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AGENDAS/MINUTES
COMMITTEE OF THE WHOLE
CITY OF HAMILTON

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2003

MUNICIPAL DOCUMENT

City of Hamilton

AGENDA

COMMITTEE OF THE WHOLE 03-001

Tuesday, January 7, 2003

9:30 a.m.

Council Chamber
Hamilton City Hall
71 Main Street West
Hamilton, Ontario

Kevin C. Christenson
City Clerk

Please note: All cellular telephones and pagers to be switched to a non-audible function during Council and Committee meetings.

Agenda available on-line at www.hamilton.ca
(click on "City Government")

1. DECLARATIONS OF INTEREST

2. ADOPTION OF MINUTES

2.1 December 10, 2002

3. DELEGATION REQUESTS

3.1 Ms. Diane Vanden Hoven, Generation Now City Kidz respecting the City Kidz program

3.2 Mr. Alan Flint respecting Graffiti By-law

3.3 Mr. Chapman respecting the Development Charges and Building Permit Fees for the Hamilton Regional Centre Centre

4. CONSENT ITEMS

4.1 Monthly Status Report of Tenders and Requests for Proposals for November 2002 (FCS02014(k)) (City Wide)

4.2 Declaration of Surplus Lands, Block A, Plan M262, Immediately South of 922 Centre Road, Waterdown (CS03001) (Ward 15)

4.3 Sale of City Owned Property - 286 Sanford Avenue to Frederick Black Kenwell, in trust for a company to be incorporated (CS03002) (Ward 3)

4.4 Herbert Place and Marshboro Avenue - Intersection control (TOE03001) (Ward 14)

4.5 Stop Control Installation at Sundown Drive at Amore Boulevard (Ward 8) and Sidney Crescent at Highland Road (Ward 9) (TOE03002)

4.6 To Incorporate Certain City Land into Various Streets by By-law (TOE03003) (Wards 8 and 12)

4.7 Concession Street Business Improvement Area (B.I.A.) - Proposed Budget and Schedule of Payment for 2003 (PD03002) (Ward 6 & 7)

4.8 Westdale Village Business Improvement Area (B.I.A.) - Proposed Budget and Schedule of Payment for 2003 (PD02004) (Ward 1)

4.9 Barton Village Business Improvement Area (B.I.A.) - Proposed Budget and Schedule of Payment for 2003 (PD03005) (Ward 3)

4.10 Downtown Hamilton Business Improvement Area (B.I.A.) - Revised Board of Management (PD03006) (Ward 2)

4.11 Downtown Hamilton Business Improvement Area - Proposed budget and Schedule of Payment for 2003 (PD03017) (Affects Ward 2)

4.12 Demolition Permit - 75 Beach Boulevard (PD03001) (Ward 5)

4.13 Demolition Permit - 39 Dundurn Street South (PD03010) (Ward 1)

4.14 Demolition Permit - 41 Dundurn Street South (PD03011) (Ward 1)

4.15 Demolition Permit - 47 Dundurn Street South (PD03012) (Ward 1)

4.16 Demolition Permit - 49 Dundurn Street South (PD03013) (Ward 1)

4.17 Recommendation to Designate 335 Lima Court (Harmony Hall)_ Under Part IV of the Ontario Heritage Act, in the former Town of Ancaster (PD03015) (Ward 12)

4.18 Ottawa Street business Improvement Area (B.I.A.) - Proposed Budget and Schedule of Payment for 2003 (PD03018) (Wards 3 & 4)

5. PRESENTATIONS

5.1 Commonwealth Games: Phase II, International Bid (CM02011)

DISCUSSION ITEMS

6. CITY MANAGER

None

7. COMMUNITY SERVICES

None

8. CORPORATE SECRETARIAT

None

9. ECONOMIC DEVELOPMENT

None

10. FINANCE AND CORPORATE SERVICES

10.1 Royal Botanical Gardens Funding Formula (FCS03002) (City Wide)

10.2 2003 Advance Payments to External Boards and Agencies (FCS03006) (City Wide)

10.3 One-time Funding of Fire Vehicle Replacement Reserve Shortfall (FCS03005) (City Wide)

10.4 Award of IP Telephony Contract – RFP #C6-14-02 (FCS03007) (City Wide)

11. HUMAN RESOURCES

11.1 Eligibility for Re-employment Policy (HUR03001)

12. PLANNING AND DEVELOPMENT

12.1 Ending of Contract with ACTION 2020 HAMILTON-WENTWORTH (PD03008) (City Wide)

12.2 Hamilton Residential Loan Program Loan Commitment - 91 Wellington Street North (PD03016) (Ward 2)

13. SOCIAL AND PUBLIC HEALTH SERVICES

None

14. TRANSPORTATION, OPERATIONS AND ENVIRONMENT

14.1 Proposed Advance Budget Reductions - Solid Waste Management (TOE03004) (City Wide)

14.2 Feasibility of Establishing a Three Container Limit for Residential Waste Collection (TOE03005) (City Wide)

14.3 Request for All-Way Stop Control - Vineland Avenue and Spadina Avenue (TOE03006) (Ward 3)

15. JOINT DEPARTMENTAL REPORTS

15.1 Computer Acceptable Use Policy (HUR02014/FCS02145) (City Wide)

16. REPORTS BY SUB-COMMITTEES

16.1 Hamilton Civic Golf Courses - 2003 Golf Operations Strategy (CS02090(a)) (City Wide)

17. REPORTS BY THE VOLUNTEER CO-ORDINATING COMMITTEES

None

18. ITEMS REFERRED BY CITY COUNCIL

18.1 Correspondence from John Gibson, President, Board of Directors, Tourism Hamilton respecting establishing a Task Force to address issues regarding the downtown

19. MOTIONS

19.1 Motion by Councillor R. Powers respecting city staffing levels and user fees

20. NOTICES OF MOTIONS

None

21. GENERAL INFORMATION

None

22. PRIVATE AND CONFIDENTIAL

None

23. ADJOURNMENT

OUTSTANDING BUSINESS

	Issue	Date Action Initiated	Lead Dept/Div	Status	Agenda Item
A.	Report on Colliers Recommendations – HECFI Facilities	March 28/01	Community Services		2002 - Q1
B.	Demolition of 226 Avondale Street	April 25/01	N/A		TABLED by Ward Councillor
C.	Toll for Red Hill Creek Expressway	Nov 21/01	TOE/Finance	Staff to bring a report back on option for tolling Red Hill Creek Expressway	Awaiting Provincial Regulations
D.	Spreading of Biosolids	Nov 21/01	Transportation and Environment	TABLED pending Staff report	
E.	People's Panel	Dec5/01	TBD	Staff to report back on financial and staffing implications, selection process, terms of reference and implementation timeline	
F.	Aquafit Seniors/Disabled Fees	March 5/02	Community Services	Staff to prepare critical analysis	
G.	Council Communication - Residential Care Facilities	Jan. 23/02	Social and Public Health Services	Referred to staff for comments	
H.	Strategy to attract Factory Outlet stores	Feb. 13/02/further updated on August 6/02	Economic Development	Staff to bring implementation plan to Committee	

	Issue	Date Action Initiated	Lead Dept/Div	Status	Agenda Item
I.	Strategy for prioritizing abandoned industrial and commercial warehouse structures	Feb. 13/02 Aug. 13/02 follow-up request made	CMT	Staff to bring implementation plan to Committee	
J.	Revenue issues regarding billings and chargebacks	HSC - February 20/27	Finance and Corporate Services	Referred to staff for a report back	December 2002
K.	Remuneration and Expenses	March 5/02	Finance and Corporate Services	Staff to report back in future reports highlighting offsetting revenues which create a net expenditure, consultation with Councillors, indication of expenses authorized as Council expenses	March 2003
L.	Pest Control	May 7/02	Planning and Development	Staff to report back on control of pests/rodents prior to demolition permit issued	
M.	Hannon Post Office	May 7/02	Corporate Secretariat	Staff to report back on possibility of address changes that align with telephone exchanges	
N.	Correspondence from Hamilton District Labour Council/HUC Corporation Position Paper	Apr. 30/02	F&CS and HUC	Staff to bring report back	
O.	HR Matters	May 7/02	Economic Development	Staff to report back	
P.	Municipal Tax Competitiveness Study	May 23/02	Finance and Corporate Services	Referred to a Future COW in September	Nov./02

	Issue	Date Action Initiated	Lead Dept/Div	Status	Agenda Item
Q.	Options for returning profits - Hydro	June 10/02	Finance and Corporate Services	Staff to report back with options for returning profits	
R.	Capital Program to modify mountable curb driveway approaches	July 2/02	TOE	Three sections tabled pending public consultation	
S.	Roles and Responsibilities of Committee of Adjustment	July 2/02	Planning and Development	Tabled pending further consultation with the community and report back on policy addressing political influence	
T.	Uncovered crossovers on highways	August 6/02	Risk Management and Legal	Staff to bring report back on uncovered crossovers on highways	
U.	Delivery of ambulance services, response times, standards, dispatch	August 6/02	Chief Peace	Staff to bring report back on status of delivery	
V.	Floating Casino - West Harbour	August 13/02	Legal Services	Staff to report back on feasibility of securing a casino license for floating casino	Nov./02
W.	Downtown cleanliness	August 13/02	TOE	Staff to report back on how much it cost to keep the downtown clean prior and during FCM	
X.	Correspondence from Mr. Reginald Beaudry respecting Tree Species List	Council Communication of September 11, 2002	Community Services	Staff to report back to Committee of the Whole as part of the Forestry Management Plan exercise	

	Issue	Date Action Initiated	Lead Dept/Div	Status	Agenda Item
Y.	Hamilton Future Fund	Sept. 10/02	Finance and Corporate Services	Staff to provide monthly reports to Council and Trustee Panel on the approved projects to assist in monitoring	Ongoing
Z.	Services Review - City Maintenance Operations	Sept/10/02	City Manager	City Manager to provide ongoing and final reports to Council on behalf of the Services Review Committee	Ongoing
AA.	Fee Waiver Policy	Sept. 10/02	Community Services	Staff to report back as part of the annual budget on the extent to which the City subsidizes third party use	Budget Deliberations
BB.	Hamilton's Wastewater System	Sept. 17/02	TOE	Staff to investigate possible partnership re: dredging of the Windemere basin, Updates	
CC.	Subsection g) HMRF/HWRF Pension Administration Sub-Committee Report	Sept. 24/02	COW	Tabled pending delegation from Hamilton Police Association appearing at HSC	
DD.	By-law to regulate postering of signs on public property	Sept. 17/02	TOE & FCS	Staff to prepare by-law to regulate	
EE.					
FF.					

SECTION 2

2.1

Committee of the Whole

MINUTES
9:30 a.m.
Tuesday, December 10, 2002
Council Chambers
Hamilton City Hall
71 Main Street West, Hamilton

Present:	Mayor R. Wade Councillors A. Bain, D. Braden, M. Caplan, C. Collins, F. D'Amico, M. Ferguson, A. Horwath, T. Jackson, B. Kelly, S. Merulla, M. McCarthy, D. Mitchell, B. Morelli, R. Powers
Absent:	Councillor L. Dilanni
Also Present:	R. Robertson, City Manager J. Rinaldo, General Manager, Finance and Corporate Services S. Stewart, Acting General Manager, Transportation, Operation and Environment B. Fenwick, Acting General Manager, Community Services J.A. Priel, General Manager, Social and Public Health Services C. Graham, General Manager, Human Resources K. Christenson, City Clerk M. Gallagher, Co-ordinator, Council/Committee of the Whole

Mayor R. Wade called the meeting to order.

THE FOLLOWING ITEMS WERE REPORTED TO CITY COUNCIL FOR CONSIDERATION:

1. **City of Hamilton Flag (MAY02009) (City Wide) (Item 5.1)**

   (a) That the new City of Hamilton flag design as depicted in Appendix A attached to Report MAY02009 be approved;

   (b) That the flag design be forwarded to the Chief Herald for inclusion in the City's Letters Patent;

   (c) That the flag be raised at the First Night celebrations at City Hall and be flown for the first time on January 1, 2003.

   CARRIED.

2. **Indoor Soccer Facility - Unsolicited Proposals (CS02096) (Item 7.1)**

   (a) That Council direct staff to prepare a Request For Expressions of Interest (RFEI) to construct and operate a seasonal indoor soccer facility in partnership with the City of Hamilton;

   (b) That staff report back to Council once the Expressions of Interest have been received for Council consideration. **CARRIED**

3. **Request for Canadian Baseball League Franchise in Hamilton (CS02091) (Ward 6) (Item 7.2)**

   (a) The report CS02091 regarding the request for a Canadian Baseball League franchise in the City of Hamilton, be received for information;

   (b) That staff continue discussions with the Canadian Baseball League to possibly host a team franchise for the 2004 season and beyond;

   (c) That staff discuss the proposal with the community organizations to establish local support and boarding neighbourhood associations and the Ward Councillor. **CARRIED**

4. **Emergency Shoreline Stabilization Works at 12 & 14 Trillium Avenue, Hamilton (CS02095) (Ward 11) (Item 7.3)**

   That the emergency shoreline erosion stabilization works to the City owned properties located at 12 and 14 Trillium Avenue, to an upset limit of $45,000, be funded from the Stoney Creek Parkland Dedication Reserve – 117021. **CARRIED**

5. **Memorandum of Understanding – Partnership with YMCA at South Mountain Project/Turner Park (CS02033(b)) (City Wide and Ward 7) (Item 7.4)**

   (a) That the Memorandum of Understanding between the City of Hamilton, the Hamilton Police Services Board, the Hamilton Public Library Board, the YMCA of Hamilton/Burlington, as per Appendix A, be approved;

   (b) That staff bring forward, to a future Committee of the Whole, any formal agreement(s) with respect to this partnership for Council approval;

   (c) That a copy of this report and a copy of the Council resolution respecting this issue be forwarded to the respective Boards of the Hamilton Police Services, Hamilton Public Library and YMCA.

   CARRIED

6. **The New Municipal Act (LS02224) (City Wide) (Item 10.2)**

   That Report LS02224 respecting the New Municipal Act be received.

   CARRIED

7. **IP Telephony FCS02142 (Item 10.3)**

   That report FCS02142, "IP Telephony - Request for Proposals" be received for information. **CARRIED**

8. **Claims Against the City of Hamilton (FCS02143) (Item 10.4)**

   That Report FCS02143 “Claims Against the City of Hamilton” be received.

   CARRIED

9. **Safe Drinking Water Act (SPH02029) (City Wide) (Item 13.1)**

   That Council, from the perspective of a board of health, accept as information the concerns of the Medical Officer of Health on the proposed Safe Drinking Water Act, as attached in Appendix A to Report SPH02029, which has been sent to the Ministry of Environment for its review and consideration. **CARRIED**

10. **Request for All-Way Stop Control - Avondale Street and Mons Avenue (TOE02211) (Ward 3) (Item 14.1)**

    a) That an All-way stop control be implemented at at Avondale Street and Mons Avenue;

b) That the appropriate by-law be passed and enacted. **CARRIED**

11. Request for All-Way Stop Control at the Intersection of Mount Pleasant Drive and Pearson Drive (TOE02214) (Ward 6) (Item 14.2)

(a) That an All-Way Stop Control be implemented at the intersection of Mount Pleasant Drive and Pearson Drive;

(b) That the appropriate by-law be passed and enacted. **CARRIED**

12. Speed Limit Requests for Rural Roads - Leeming Road and Trinity Church Road (TOE02212) (Ward 11) (Item 14.3)

(a) That the speed limit on Leeming Road between Highway 6 and the east leg of Ferris Road be set at 60 km/h; and

(b) That the speed limit on Trinity Church Road between Chippewa Road East and the southerly end (Lake Niapenco) be set at 60 km/h; and

(c) That the attached by-law to amend the City of Hamilton By-law 01-215 be passed and enacted. **CARRIED**

13. Stop Controls - Fifty Road Joint Venture (TOE02216) (Ward 11) (Item 14.5)

That the following stop controls be implemented and funded through development charges:

(a) That eastbound traffic on Falcon Road be required to stop for northbound and southbound traffic on Fifty Road; and

(b) That westbound traffic on McCollum Road be required to stop for northbound and southbound traffic on Fifty Road; and

(c) That northbound traffic on Islandview Way be required to stop for eastbound and westbound traffic on McCollum Road; and

(d) That westbound traffic on Bridgenorth Crescent (North Leg) be required to stop for northbound and southbound traffic on Islandview Way; and

(e) That eastbound traffic on Watercliff Place be required to stop for northbound and southbound traffic on Islandview Way; and

(f) That westbound traffic on Bridgenorth Crescent (South Leg) be required to stop for northbound and southbound traffic on Islandview Way; and

(g) That eastbound traffic on Delrosa Way be required to stop for northbound and southbound traffic on Islandview Way; and

(h) That westbound traffic on Glenmeadow Crescent (North Leg) be required to stop for northbound and southbound traffic on Islandview Way; and

(i) That eastbound traffic on Gracehill Drive be required to stop for northbound and southbound traffic on Islandview Way; and

(j) That westbound traffic on Glenmeadow Crescent (South Leg) be required to stop for northbound and southbound traffic on Islandview Way; and

(k) That eastbound traffic on Cardigan Place be required to stop for northbound and southbound traffic on Islandview Way; and

(l) That northbound traffic on Dewsbury Way be required to stop for eastbound and westbound traffic on Glenmeadow Crescent; and

(m) That northbound traffic on Goldeye Drive be required to stop for eastbound and westbound traffic on Glenmeadow Crescent; and

(n) That southbound traffic on Dewsbury Way be required to stop for eastbound and westbound traffic on Northampton Boulevard; and

(o) That eastbound and westbound traffic on Northampton Boulevard be required to stop for northbound and southbound traffic on Easthampton Road/Goldeye Drive; and

(p) That southbound traffic on Islandview Way be required to stop for eastbound and westbound traffic on Northampton Boulevard; and

(q) That northbound traffic on Westhampton Way be required to stop for eastbound and westbound traffic on Northampton Boulevard/Kingspoint Circle; and

(r) That southbound traffic on Kingspoint Circle be required to stop for eastbound and westbound traffic on Northampton Boulevard/Kingspoint Circle; and

(s) That eastbound traffic on Panorama Way be required to stop for northbound and southbound traffic on Westhampton Way; and

(t) That westbound traffic on Panorama Way be required to stop for northbound and southbound traffic on Fifty Road; and

(u) That southbound traffic on Westhampton Way be required to stop for eastbound and westbound traffic on Springstead Avenue; and

(v) That southbound traffic on Easthampton Road be required to stop for eastbound and westbound traffic on Springstead Avenue; and

(w) That southbound traffic on Avery Circle be required to stop for eastbound and westbound traffic on McCollum Road; and

(x) That the attached by-law to amend the City of Hamilton Traffic By-law 01-215 be passed and enacted. **CARRIED**

Council – December 11, 2002

14. Carluke Culvert Environmental Assessment (TOE02221) (Ward 12) (Item 14.6)

(a) That the General Manager, Transportation, Operations, and Environment Department, be authorized and directed to file the Class Environmental Assessment Project File Report for the Carluke Culvert with the Municipal Clerk for a thirty-five (35) day public review; and,

(b) Upon final approval, the General Manager, Transportation, Operations, and Environment Department, be authorized and directed to proceed with implementation of the preferred alternative.

CARRIED

15. Temporary Closure of Walnut Street South between King Street East and Main Street East and Jarvis Street between King William Street and King Street East for the Film Company V. Truth Productions (Item 14.7) (TOE02222)

That the action of the General Manager, Transportation, Operations and Environment in authorizing the temporary closure of:

(a) Jarvis Street between King William Street and King Street East on Tuesday December 10, 2002; and

(b) Walnut Street South between King Street East and Main Street East on Wednesday December 11, 2002.

be confirmed, subject to the following conditions:

i) That the prior approval of the Chief of Police or his designate be received and that such permits or authorizations as may be required by the Chief of Police or his designate be obtained; and

ii) That the applicant provide proof of $2,000,000 liability insurance, naming the City of Hamilton as an added insured party with a provision for cross liability and holding the City harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss; and

iii) That all barricading, detour signing and traffic control be subject to the direction of the General Manager, Transportation, Operations and Environment or his designate; and

iv) That all barricading be provided by and at the expense of the applicant; and

v) That "Temporary Road Closure" signs be installed in advance by the Transportation, Operations and Environment Department on the affected roadways, if deemed necessary by the General Manager, Transportation, Operations and Environment and at the expense of the applicant; and

vi) That the applicant ensure that clean up operations are carried out immediately before the re-opening of the road, to the satisfaction of the City of Hamilton and at the expense of the applicant; and

vii) That no property owner or resident within the closure area be denied access to their property upon request; and

viii) That all property owners and tenants within the closure area be notified by the applicant, prior to the closure, in a form acceptable to the General Manager.

CARRIED

16. **Durand Neighbourhood Traffic Study Environmental Assessment (TOE02204) (Affects Primarily Ward 2 and Hess Minor Implications on Ward 1)(Item 14.8)**

(a) That the General Manager, Transportation, Operations and Environment, be authorized and directed to file the Class Environmental Assessment (EA) Project File Report for the Durand Neighbourhood Traffic Study with the Municipal Clerk for a forty-five (45) day public review; and upon final approval

(b) That in order to allow the timely implementation, staff be authorized to undertake detailed design and implementation of the Durand Neighbourhood Traffic Study – Priority 1 traffic calming measures at an estimated cost of $150,000; and

(c) That financing for the Durand Neighbourhood Traffic Study – Priority 1 implementation in the amount of $150,000 be financed from the 2001 Capital budget account number 4030116102; and

(d) That the Durand Neighbourhood Traffic Study – Priority 2 traffic calming measures be considered for implementation upon approval of the 2003 capital budget; and

(e) That the existing northbound “No Left Turn, 7:00am to 9:00am and 4:00pm to 6:00pm, Monday to Friday” regulation on James Street South at Markland Street be replaced with a full-time “No Left Turn” regulation; and

(f) That Caroline Street South between Herkimer Street and Main Street West be operated as a two-way street (presently a one-way southbound street); and

(g) That Hess Street South between Herkimer Street and Main Street West be operated as a two-way street (presently a one-way northbound street); and

(h) That southbound stop control be implemented on Hess Street South at Duke Street; and

(i) That northbound stop control be implemented on Caroline Street South at Duke Street; and

(j) That the existing westbound stop control on Markland Street at Park Street South be retained and that proposed curb extension on Markland Street east of Park Street on the south side and east of Bay Street on the north side be reviewed for feasibility with regard to the impact on recommendation (k) being the designated bicycle lane for Markland Street.; and

(k) That the south curb lane of Markland Street between James Street South and Queen Street South be designated as a westbound Bicycle Lane; and

(l) That unrestricted parking be permitted, all day, Monday to Friday, on the south side of Herkimer Street between Hess and MacNab; and

(m) That unrestricted parking be permitted, all day (except the PM peak period), Monday to Friday, on the north side of Herkimer Street between Bay and MacNab; and

(n) That unrestricted parking be permitted all day, Monday to Friday, on the north side of Charlton Avenue between Hess and MacNab; and

(o) That unrestricted parking be permitted all day, Monday to Friday, on both sides of Bay Street South between Aberdeen and Herkimer; and

(p) That Council endorse the reclassification of Aberdeen Avenue (Bay St. S. to James St. S.), Markland Street, Robinson Street, Duke Street, Park Street, MacNab Street and Jackson Street to that of 'Local' street classification; and

(q) That a road alteration By-law be prepared, to address the physical curb extension proposals, for Council endorsement, following approval of this report, as required by the Municipal Act; and

(r) That an appropriate by-law to amend the City of Hamilton Traffic By-law 01-218 be passed and enacted; and

(s) That an appropriate by-law to amend the City of Hamilton Traffic By-law 01-215 be passed and enacted **CARRIED**

Councillors Jackson and D'Amico indicated that the wish to be recorded as being OPPOSED to subsection (e).

17. Municipal Act Project - Watermain on Regional Road 56 and Binbrook Road in Binbrook Village(TOE02210/PD02233/FCS02138) (Ward 11) (Item 15.1)

(a) That pursuant to Section 221 of the Municipal Act, a full cost recovery mechanism be implemented in order to recover the total cost $425,007 owner's share, from benefiting property owners, respecting the capital cost of the construction of water works consisting of:

(i) a watermain on Regional Road 56 from Cemetery Road to Binbrook Road; and
(ii) a watermain on Binbrook Road from Regional Road 56 to Southbrook Drive,

if and when the benefiting property owners connect to the water works;

(b) That the capital costs be recovered by the City, for the water works identified in recommendation (a) above, per Option 2 of Report TOE02210 / PD02233 / FCS02138 - "Recover Capital Costs as Combined Watermain Project";

(c) That the General Manager of Finance and Corporate Services be authorized and directed to prepare the necessary full cost recovery by-laws;

(d) That the cost of existing service connections to properties on Binbrook Road, installed at the time of watermain construction, be blended to a common connection cost; but that the actual cost for existing non-residential service connections be billed to respective property owners;

(e) That the capital costs recovered by the City, for the water works identified in recommendation (a) above, be remitted to Bay-Area Infrastructure Inc. and Rob-Geof Construction Ltd. in accordance with the appropriate legal agreements; and

(f) That the cost recovery for the City's share of the project ($31,869), including the exemption of the church property ($7,365), be funded from the Waterworks Capital Reserve (108015). **CARRIED**

18. Animal Control Sub-Committee

(a) That the Manager of Parking and Enforcement Operations be authorized and directed to implement and manage an Animal Control program for the City of Hamilton in partnership with the Hamilton\Burlington Society for the Prevention of Cruelty to Animals (H.S.P.C.A.) in accordance with the Animal Control Business Plan attached as Appendix "A" to Report No. FCS02102a, effective January 1, 2003;

(b) That the Manager be further authorized and directed to execute such agreements and ancillary documents, establish such procedures and protocols, and do such other things as may be necessary from time to time to facilitate the operation of said Animal Control program;

(c) That City of Hamilton By-law 01-169 be amended to establish dog license fees that are consistent with the fees currently being charged, as follows:

  i) $20 for altered dogs and $40 for unaltered dogs in the former municipalities of Glanbrook and Flamborough;

  ii) $26 for altered dogs and $61 for unaltered dogs in the former municipalities of Ancaster, Dundas, Hamilton and Stoney Creek;

  That said rates continue to be reduced by 50% for dog owners aged of 65 years or older and for dog owners receiving a disability pension;

(d) That commencing January 1st, 2004, the "Dog Licensing" fees in the former municipalities of Glanbrook and Flamborough be proportionally increased each year for three years, such that as of January 1st, 2006, said fees are fully harmonized throughout the City;

(e) That the 32 positions proposed in the Animal Control Business Plan attached as Appendix "A" to report No. FCS02102a, be approved;

(f) That the persons presently employed by the H.S.P.C.A. for animal control purposes, as listed in Appendix "B" to Report No. FCS02102a, be confirmed as employees of the City of Hamilton, subject to such terms and conditions as may be approved by the General Manager of Human Resources, in each case, said terms and conditions may include but not be limited to full recognition of each persons years of service as employees of the H.S.P.C.A., all effective January 1, 2003;

(g) That the terms and conditions of the following agreements between the H.S.P.C.A. and the City be held in abeyance subject to re-negotiations to achieve consistency with the recommended Animal Control program:

  i) Provision of Services to Protect and Shelter Animals Agreement;
  ii) By-law 98-199 to provide for The Provision of Fleet Services to the Hamilton Society for the Prevention of Cruelty to Animals;
  iii) Line of Credit Agreement; and,
  iv) Funding (Infrastructure) Agreement;

and that the revised terms and conditions for each agreement be presented to Council for ratification by the close of the second quarter of 2003, all subject to the approval of the General Manager of Finance and Corporate Services and the City Solicitor.

CARRIED

19. Licensing Committee (Item 16.3)

(a) Darcy McLean – Building Repair Contractor and Master Licence

That the Building Repair Contractor and Master Licence application of Darcy McLean be denied.

(b) Visions Adult Entertainment Emporium, 1038 Barton Street East – Request to Increase Hours of Operation (PD02247)(City Wide)

That the request to increase the hours of operation of the Visions Adult Entertainment Emporium located at 1038 Barton Street East, Hamilton to be open on Sundays be denied. **CARRIED**

20. Community Services Volunteer Co-ordinating Committee Report 02-004 (City Wide) (Item 17.1(a))

(a) That the 2003 Business Planning/Budget Submissions for the following Citizen Committees, be received:

i) Hamilton Veteran's Committee
ii) Hamilton Historical Board
iii) Art's Advisory Commission
iv) Hamilton Youth Advisory Council

(b) That the funding requests for the Community Services Volunteer Committees in the amount of $100,200.00, as outlined in Appendix "A" attached hereto, be recommended to the Committee of the Whole for consideration during the 2003 budget deliberations.

CARRIED

21. Corporate Secretariat Volunteer Co-ordinating Committee Report 02-003 (City Wide) (Item 17.1(b))

(a) That the 2003 Business Planning/Budget Submissions for the following Citizen Committees, be received:

i) Advisory Committee for Persons with Disabilities;
ii) Committee Against Discrimination
iii) Gay, Lesbian, Bisexual and Transgendered Issues Committee;

iv) Hamilton Aboriginal Advisory Council;
v) Advisory Committee on Immigrants and Refugees;
vi) Mundialization Committee;
vii) Committee Against Racism;
viii) Seniors Advisory Committee;
ix) Status of Women Committee;

(b) That the funding requests for the Corporate Secretariat Volunteer Committees, in the amount of $86,450, as outlined in Appendix "A" attached hereto, be recommended to the Committee of the Whole for consideration during the 2003 budget deliberations. **CARRIED**

22. Transportation, Operations, and Environment/Planning and Development Volunteer Co-ordinating Committee Report 02-002 (City Wide) (Item 17.1(c))

(a) That the 2003 Business Planning/Budget Submissions for the following Citizen Committees, be received:

i) Hamilton Cycling Committee;
ii) Dundas / Flamborough Environmental Advisory Committee
iii) Keep Hamilton Clean/Stoney Creek Citizens Leading in Environmental Action in Reducing, Reusing and Recycling (Clear$^{3)}$ Committee;
iv) Ainslie Wood Westdale Secondary Plan Executive Committee and Team (ASPECT);
v) Agriculture and Rural Affairs Advisory Committee;
vi) Central Hamilton Advisory Committee (C.H.A.C.);
vii) Ancaster Village Core Advisory Committee;

(b) That the funding requests for the Transportation, Operations and Environment/Planning and Development Volunteer Committees, in the amount of $42,623 as outlined in Appendix "A" attached hereto, be recommended to the Committee of the Whole for consideration during the 2003 budget deliberations.

(c) That the following citizens be appointed to the Keep Hamilton Clean/Stoney Creek Citizens Leading in Environmental Action in Reducing, Reusing and Recycling (Clear^3) for a term to expire November 30, 2003:

Kim Fournier, Caledonia

Dino Le Donne, Hamilton

William Maitland, Hamilton

Chris McIntyre, PhD, Hamilton

Brooke O'Connell, Hamilton
Christeen Urquhart, Hamilton **CARRIED**

23. Social and Public Health Volunteer Co-ordinating Committee Report 02-001 (City Wide) (Item 17.1(d))

(a) 2003 Business Planning/Budget Submission

(i) That the 2003 Business Planning/Budget Submission for the Food and Shelter Advisory Committee, be received; and,

(ii) That the funding request for the Social and Public Health Volunteer Co-ordinating Committee, in the amount of $5,200.00, as outlined in Appendix "A" attached hereto, be recommended to the Committee of the Whole for consideration during the 2003 budget deliberations.

(b) Closure of Relapse Prevention Program at Chedoke

(i) That City Council express to both Hamilton Health Sciences Corporation and the Minister of Health for Ontario its strong opposition to the closure of the Hamilton Health Sciences Addiction Programs in the City of Hamilton;

(ii) That should such closures occur, Council request that additional funds be provided to fill the considerable gaps in service that this will cause in our community, and funds to address any impacts that this may have on homelessness and other social services in this community; and,

(iii) That a copy of Councils' request be sent to the District Health Council.

(c) Food and Shelter Advisory Committee Terms of Reference

That the Food and Shelter Advisory Committee Terms of Reference attached as Appendix "C" be approved. **CARRIED**

24. Petition - Hamilton Health Sciences suspension of decisions and dates regarding any and all program closures at the Chedoke Hospital (Item 18.2)

(a) That the Petition requesting that Hamilton Health Sciences suspend all decisions and dates regarding any and all program closures at the Chedoke Hospital be received.

(b) That Hamilton Health Sciences formally suspend all decisions and dates regarding any and all program closures at the Chedoke Hospital.

(c) That Hamilton Health Sciences in an open forum, where appropriate, consult with staff from the City of Hamilton and the citizens of the City of Hamilton to consider any viable alternatives to program closures that are responsive to the financial constraints of Hamilton Health Sciences, the public administrative concerns of the corporation of the City of Hamilton, and health care needs of the citizens of the City of Hamilton.

(d) That Hamilton Health Sciences make a formal decision regarding any and all possible program closures at the Chedoke Hospital only after extensive and exhaustive consultation with the Board of Directors of the Hamilton Health Sciences Corporation, the Corporation of the City of Hamilton, and the citizens of the City of Hamilton. **CARRIED**

25. Wentworth Lodge - Request for Proposal (RFP) SPH02020(a)) (City Wide) (Item 21.1)

That the City of Hamilton proceed with a Request for Proposal (RFP) for Wentworth Lodge according to the City of Hamilton's Purchasing Policy, utilizing the legislative, financial and operational criteria, as outlined in Report SPH02020a. **CARRIED**

Councillor T. Jackson indicated that he wished to be recorded as being OPPOSED to this item

26. Personnel Matter - Report by the Non Union Compensation Committee (MAY02007) (Item 21.2)

That the Non-union salary schedule for all City full-time exempt staff be increased by 2.5% effective April 1, 2002, and that individual salaries be adjusted accordingly. **CARRIED**

27. Personnel Matter - Report by the Non Union Compensation Committee (MAY02008) (Item 21.3)

That the information set out in Report MAY2008 be received for information. **CARRIED**

Councillors Collins, Braden and McCarthy indicated that the wished to be recorded as being OPPOSED to this item.

28. Hamilton Emergency Services - emergency Medical Services: Paramedic Wage Adjustment (CS01084(a) (HUR01008(a)) (Item 21.4)

a) That Hamilton Emergency Services be given the authority to provide Paramedics with a 75 cent wage increase effective November 1, 2002 to the base rate classifications listed below that were established September 1, 2001:

- Advanced Care Paramedic - $22.4689 - $23.184 - $26.495 per hour
- Primary Care Paramedic - $20.516 - $21.145 - $22.140 per hour
- Part-time rate is to be the start rate of each of the above respective categories.

b) That the projected impact of $50,430, in 2002, be funded within the surplus related to salary gapping in the EMS operating budget.

CARRIED

FOR THE INFORMATION OF COUNCIL:

(a) Declarations of Interest

None

(b) Minutes of December 3, 2002

The Minutes of December 3, 2002 were adopted as presented.

(c) Delegation Requests

The following delegation requests were approved for referral to the Hearings Sub-Committee:

3.1 Richard Oddie and Christina Sealy respecting the 2003 Budget Process

3.2 Adam Ellis, respecting Hess Village Road Closures

3.3 Gary Garcia respecting the Anti-Solicitation By-law

3.4 Kelly Lawson respecting the Durand Traffic Study

3.5 Stephanie Broomfield respecting Bennetto Recreation Centre

3.6 Elizabeth Beader respecting Bennetto Recreation Centre

3.7 Karen Craig respecting Soupfest, Living Rock Ministries

(d) The following items were deleted from the Agenda:

Bingo Hall/Slot Machine Proposal (Item 10.1)
Golf Sub-Committee (Item 16.2)

(e) Claims Against the City of Hamilton (FCS02143) (Item 10.4)

Staff advised that a more comprehensive report would be provided at a future meeting. Councillors requested that claims be dealt with in a fair and equitable manner and also addressed the need for an appeal mechanism.

(f) The following items were referred to the Hearings Sub-Committee:

Anti-Solicitation By-law to Prevent Accident Scene Solicitation (PD02234) (City Wide) (Item 12.1)

Policy Respecting Temporary Road Closures for Special Events in Hess Village (TOE02215) (Ward 2) (Item 14.4)

(g) The following item was referred back to staff for a follow-up report which should include budget implications:

Development Charges and Building Permit Fees for the Hamilton Regional Cancer Centre and St. Joseph's Healthcare (PD02186(a)/FCS02100(a)) (Wards 2 & 7) (Item 15.2)

Committee also received correspondence from George Browman, Vice-President, Regional Cancer Services, Hamilton Regional Cancer Centre - Hamilton Health Sciences

(h) Notice of Motion - Councillor M. McCarthy

That Martin Ince be appointed to the Halton Conservation Authority as a citizen replacement for Councillor R. Powers.

(i) Notice of Motion - Councillor M. Ferguson

That the Audit Sub-Committee be requested to investigate and report back on the performing of a forensic audit of the Hamilton Entertainment Facilities Inc. operations.

(j) Question on the Ballot respecting the issue of Municipal De-Amalgamation

A motion by Councillor Mitchell on the above matter was deferred with the instruction that correspondence be forwarded to the Minister of Municipal Affairs requesting the official government position on de-amalgamation.

Councillor D'Amico and Braden indicated that the wished to be recorded as OPPOSED to this item.

(k) Petition - Hamilton Health Sciences suspension of decisions and dates regarding any and all program closures at the Chedoke Hospital (Item 18.2)

This item CARRIED on a recorded vote as follows:

Yeas: Councillors Jackson, Bain, Braden, D'Amico Ferguson, Horwath, Merulla, McCarthy, Mitchell

Total yeas: 9
Nays: 0

Meeting adjourned at 3:00 p.m.

Respectfully submitted

Mayor R. Wade

K. Christenson, City Clerk
M. Gallagher, Co-ordinator

SECTION 3

3.1

Gallagher, Mary

From: Rawlings, Alexandra
Sent: December 10, 2002 2:34 PM
To: Gallagher, Mary
Subject: FW: Generation Now City Kidz

here is one for 2003..
-----Original Message-----
From: Diane Vanden Hoven [mailto:dvandenhoven@citykidz.ca]
Sent: Tuesday, December 10, 2002 2:29 PM
To: arawling@hamilton.ca
Subject: Generation Now City Kidz

Good Afternoon!

Great talking to you this morning and thanks for tracking me down and following up with the message I left you.

On behalf of City Kidz and myself we would like the opportunity to address the members of council at their hearing sub-committee. Todd Bender, Executive Director and myself would like to make about a 10 minute presentation, during this time we would like to show our corporate video to help give you a better understanding of the impact we are making on today's generation.

Generation Now City Kidz is a non-profit organization that assists disadvantaged children in the core of downtown Hamilton. Every Saturday afternoon over 300 children between the ages of four to eleven, are bussed in from Hamilton's inner city, to experience a dynamic one and a half hour life changing program. The City Kidz program focuses on providing a fun and exciting atmosphere as well as building into the lives of boys and girls through solid teaching of values. Each week over 700 children receive home visits by a member of our volunteer visitation staff. Visitation's provide an opportunity for each volunteer to role model positive behaviour and also to provide any support the children and family may need, whether physical, mental, emotional or spiritual.

Look forwarding to hearing from you. You can contact me at (905) 544 3996 ext. 207.

Diane Vanden Hoven
Associate Director Marketing & Fundraising
Generation Now City Kidz

Gallagher, Mary

3.2

From: Alan Flint [allen.flint@sympatico.ca]
Sent: December 18, 2002 4:36 PM
To: mgallagh@hamilton.ca
Subject: Graffiti Bylaw/Flint

Alan Flint 239 Holton ave South Hamilton, Ont L8M 2L8 (905) 544 1560 (allen.flint@sympatico.ca)

To: Mary Gallagher, Co-ordinator , Committee of the Whole/Council, City Hall,
71 Main Street West, 2nd Floor, Hamilton, L8P 4Y5.
and may be faxed or e-mailed as follows;
Fax 905 546 2095 or e-mail mgallagh@hamilton.ca

Regarding: An Opportunity to speak to Councillors about the BLaw 97-190 or the Graffiti By-Law.

Hello Mary,

I was asked to send you this letter after talking with Alexandra Rawlings at the Office of the City Clerk.
During the summer I had an opportunity to meet Det./Cst Brian Ritchie a member of the Hamilton Police Service. He asked me to join a group of people to work in an advisory capacity for the Graffiti School operated through the John Howard Society here in Hamilton. The Graffiti School is intended to assist people who have been charged under the Graffiti By-law, especially those who are first time offenders. If those charged went through the Graffiti School program they could be exempted from having a permanent criminal record for having committed an offense under the Graffiti By-law.
It was during one of the Advisory meeting that I was given a copy of the Graffiti By-law to better understand the charges of the offenders to assist in making informed decisions regarding the shape of the programming for those going through the Graffiti School. At that time I recognized some of the wording in the By-Law is very similar to other by-laws in other cities that have been challenged in court and struck done for being unconstitutional.
It seems what your by-law is trying to explain are acts of "vandalism" against private, public, and commercial properties along with standards of maintenance. In the process there is also an attempt to define what graffiti art is while also attempting to describe the visual response a viewer might have when looking upon such "art". This is precisely where the wording of the By-Law may be in need of changes.

Specific wording and definitions of "art" in the By-Law could be interpreted as an infringement on the (all) individuals "freedom of expression". I quote from the By-Law, "..the making of pictures or drawings that are indecent or may tend to corrupt or demoralize,.."; cause,"...visual and aesthetic blight..."; are difficult terms when considered in a context of criminal offenses. There are other wordings that forbid owners of private property from having "graffiti" or anything that may resemble it as a part of their property. This point may also be "unconstitutional".

I would now like to draw your attention to a passage from the Hon. John Sopinka of the Supreme Court of Canada from a lecture on freedom of speech he gave at the University of Waterloo on November 26, 1994. He is speaking specifically of a case in 1993 "Ramsden v. Peterbourough (City). The Supreme Court of Canada considered the constitutionality of a by-law regarding posters on public property. The law was considered an "unjustifiable infringement on the freedom of expression as the bylaw prevented the communication of political, cultural and artistic messages". He continues, " The purpose of the (By-Law) , namely to avoid littering, aesthetic blight, traffic hazards and... could not justify such an expansive and complete ban on free speech. There were many less intrusive means open to the city." To emphasize the need for the "Charter", Sopinka goes on to warn certain, "...individuals may [try to] be putting themselves in the positions of courts to determine what is obscene and what is acceptable."
It is my understanding the the in-house legal department at the City Hall had written this by-law. It is my suggestion that the same people could re-word or re-write this Graffiti By-Law in a fair and appropriate manner to address the City concern for "graffiti". I would like the opportunity to help with this issue.
Sincerely,
Alan Flint

3.3

From: Stu Chapman [mailto:chapmans@worldchat.com]
Sent: Tuesday, December 10, 2002 5:43 PM
To: mayorwade@hamilton.ca
Cc: george.browman@hrcc.on.ca; anne.snider@hrcc.on.ca; michael.somerville@hrcc.on.ca; edward.walzak@rbc.com; dmclean@chtv.ca
Subject: December 10th Council Meeting

Hello Bob.

On behalf of the Board of the HRCC Foundation, thank you very much for your support this morning at Council. Our request to defer will undoubtedly work out effectively. Since I didn't have adequate time to explain the last minute rush for a deferral request, let me explain.

Last evening, following a Burlington Committee of Adjustment hearing, I had occasion to do some socializing with a few area developers and planners, including Mike Brian, former Vice President of Monarch Construction Group. I quickly discovered that Burlington has been waiving development fees for health care facilities such as Joseph Brant Memorial Hospital and the Carpenter Hospice. Following his call to you this morning, Mike was able to further ascertain that Halton, Peel and Niagara also waive these fees under similar circumstances. He is currently exploring other communities for us to determine the general pattern.

It would also appear that building permit fees are generally not waived. Since your staff has recommended that the HRCC not qualify for a reduction in building permit fees because our project is too small to fit the 10,000 square metre threshold, we need to remind everyone the HRCC venture is just over 9,100 square metres. It makes good common sense to perhaps apply a small penalty factor while still allowing a substantive reduction.

As Dr.George Browman pointed out in his letter to Mary Gallagher of December 9th 2002, the HRCC project is a major initiative and represents an extraordinary resource to the City as well as to our entire catchment area. I would venture to say that if Hamilton at least comes to the party with the waiver of development fees and a partial reduction of building permit fees we would then be able to again approach all the other municipalities we serve to realistically ask for their financial support. As you kindly noted this morning at Council, we have reached the $10.9 million mark of a $12 million target. At this point, every little bit helps.

I can provide you with a study completed in January of last year that profiles 24 Ontario communities providing support to their hospitals on a 'percentage of project cost' ranging from a low of 2% in Sudbury to a high of 37% in Guelph. The average of the 24 equates to 12.96%.

Would you be kind enough to advise me when this matter is expected to return to a Committee Of The Whole agenda and also let me know if we can appear as a Delegation at some point since we do expect to have some additional research completed shortly. Again Bob, thank you for your support and patience.

Stu Chapman

SECTION 4

CITY WIDE IMPLICATIONS

CITY OF HAMILTON

4.1

FINANCE & CORPORATE SERVICES
Financial Services

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Joseph L. Rinaldo General Manager
Date:	December 9, 2002	**Prepared by:**	Rick Male 905-546-4157

SUBJECT: **Monthly Status Report of Tenders and Requests for Proposals for November 2002 - FCS02014(k)- (City Wide)**

RECOMMENDATION:

That the Monthly Status Report of Tenders and Requests for Proposals for November 2002 as set out in Appendix 'A' to Report FCS02014(k) be received for information.

Joseph Rinaldo

Joseph L. Rinaldo, General Manager,
Finance & Corporate Services

EXECUTIVE SUMMARY:

This report is in accordance with our Policy #6, Council Approval of Contracts, whereby a Council report recommending award of a tender or proposal is not required when the criteria outlined in Items a. through d. of the policy have been met.

BACKGROUND:

Tenders and Proposals reported in this document have been issued in accordance with Purchasing Policies and are being awarded to the lowest acceptable bid.

Staff will continue to report to Council on awards where the conditions have not been met.

Those items with a status of "Under Review" or "Pending Approval" will remain on the report until such time an award is made.

ANALYSIS OF ALTERNATIVES:

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

POLICIES AFFECTING PROPOSAL:

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

This report encompasses all Tenders and Proposals issued by the City and is produced in consultation with the Transportation, Operations and Environment Department.

CITY STRATEGIC COMMITMENT:

The recommendation contained within this report has City-wide implications.

Tenders and Proposals are issued to encourage the competitive bidding process with objective and equitable treatment of all vendors, in accordance with the Purchasing Policies approved by Council. Further, the City of Hamilton's commitment to procure goods and/or services with due regard to the preservation of the natural environment and to encourage the use of "environmentally friendly" products and services, as supported by the Pollution Prevention Committee.

CITY OF HAMILTON

Summary of Tenders & Proposals Issued - November, 2002

Reference	*Project Description*	*Closing Date*	*Status* *Award Information*
C11-33-02	Supply & Delivery of Digitally Timed Solid State Traffic Signal Controllers & Associated Hardware	May 13	Innovative Traffic Solutions $365,000.00
C11-43-02	Supply & Delivery of Lubricants to Fleet Services, Fire & Police	June 7	Tender to be Re-Issued in 2003
C4-01-02	RFP for the Provision of Newspaper Advertising Space	July 5	Recommendation in Process
C4-03-02	RFP for the Provision of Direct Distribution Advertising	July 5	Recommendation in Process
C11-35-02	Supply & Delivery of Brake Parts and Service for Cars, Light Duty Trucks and Heavy Duty Vehicles	July 17	Pending Award
C12-8-02	H.V.A.C. Maintenance Services Required at Various Facilities	July 31	Part "B" – Macassa Lodge - Pending
C3-53-02	RFP for Advance Care Paramedic Training Program	August 22	Award Pending Ministry Approval
C6-04-02	Tender for Provision of a Service Provider for Enforcement of Municipal By-Laws	August 29	One Bid Received Under Review
TOE-02-42(HSW)	Road reconstruction, storm sewer construction, sanitary sewer repairs and watermain replacement on Wellington Street North from Cannon Street to Barton Street. (City of Hamilton Wards 2 and 3).	August 29	Under Review
TOE-02-46(HW)	Watermain replacement on Highland Road West from Second Road West to Carlson Street and asphalt resurfacing on Highland Road West from Glenhollow Drive to Carlson Street and Second Road West from Highland to North limits. (City of Hamilton Ward 9)	September 3	Under Review
C11-77-02	Tender for Annual Source (Stack) Testing for the City of Hamilton's Energy from Waste Facility SWARU	September 20	Canadian Ortech Environmental Inc. $93,480.00

Reference	*Project Description*	*Closing Date*	*Status* *Award Information*
C3-71-02	Tender for Renovations and Addition to Kiwanis Boys and Girls Club	September 23	STF Construction Limited $2,480,243.95
TOE-02-51(HW)	Proposed watermain replacement and road reconstruction on East 34th Street, from Macassa Avenue to Fennell Avenue East and on East 35th Street, from Brucedale Avenue to Queensdale Avenue.	September 24	Under Review
C3-74-02	RFP for Consultant Services Required to Develop Specifications for the Privatization of the Chedoke Winter Sports Park Operations	September 30	D. R. Matthews & Associates Inc. $20,000.00
C3-75-02	PART 2 – Tender for Hamilton Police Service South Mountain Complex	October 1	Derbtile Construction Inc. $6,670,380.00
TOE-02-63(SW)	Construction/replacement of watermains, forcemain construction and road/sidewalk reconstruction, on the following: Guise St – Bay St to Catharine St Harbour Patrol Access Road - Guise St to North End Bay St N – Wood St W to Guise St W. (Ward 2)	October 8	To Be Re-Tendered in 2003
C11-79-02	Tender for Supply & Delivery of Liquid De-Icer Products	October 9	Pollard: $90,200.00 1st year Miller: $29,000.00 1st year
C9-08-02	**REISSUANCE** RFP for Provision of a Service Provider for Employee Assistance/ Critical Incident Response Program for Hamilton Police Service	October 11	Under Review
C3-81-02	PART 2 - Tender for Redevelopment of Parkdale Park	~~October 15~~ November 14 Re-Issued	STF Construction Ltd. $142,273.00
TOE-02-57(HSW)	Road and sidewalk reconstruction and watermain replacement on Airdrie Ave. from Melvin Ave. to Britannia Ave. and on Bernard St. from Melvin Ave. to Martha St. (Ward 4)	October 24	Under Review
C3-31-02	Tender for Removal and Disposal of Wood Pile – Forestry Depot	October 31	S.E.L. Recycling Services $171,093.00

Reference	***Project Description***	***Closing Date***	***Status Award Information***
C11-83-02	Tender for Street Lighting Maintenance and Electrical Locates	November 1	Under Review
C11-86-02	Tender for Glanbrook Weigh Scale Installation and Miscellaneous Works	November 1	Project Cancelled
C2-10-02	RFP for Consultant Services for Digital Zoning Map for the City of Hamilton	November 1	Cuesta Systems Inc. $192,230
C11-74-02	RFP for Recycling Collection and Operation of the Material Recycling Facility	November 5	Under Review
C6-14-02	RFP for IP Telephony Solution and Data Infrastructure Upgrade	November 8	Under Review
TOE-02-62(H)	Proposed sidewalk construction on various streets in the City of Hamilton	November 12	Under Review
C11-85-02	Tender for Preparation & Painting of Various Bridge Railings	November 12	Under Review
C12-19-02	RFP for Professional and Consulting Services Roster	November 12	Under Review
C3-88-02	RFP for Project Management Services of Four (4) Bundled Projects - **Kiwanis Boys and Girls Club Renovations** (Construction Phase) - **Heritage Green Sports Park** (Landscape Pre-Construction and Construction Phases) - **Walker Outdoor Pool Renovations** (Pre-Construction and Construction Phases) - **Hamilton Waterfall Program** (Pre-Construction and Construction Phases)	November 15	Under Review
C11-91-02	Tender for Supply & Delivery of 7 (Seven) D.A.R.T.S. Vehicles – with option to purchase up to 6 (Six) additional vehicles	November 15	Under Review
TOE-02-56(S)	Proposed sanitary sewer construction on First Street from Highway No. 5 (PS D14) to Approx. 73 m NW of Niska Drive (Ward 15)	November 21	Under Review

Reference	Project Description	Closing Date	Status Award Information
C3-85-02	RFP for Records Management System for Emergency Services – Fire	November 28	Under Review
C3-86-02	RFP for Design, Selling of Advertising, Printing and Distribution of the Culture and Recreation Activity Guide	November 28	Under Review

AFFECTS
WARD 15

CITY OF HAMILTON

COMMUNITY SERVICES DEPARTMENT
Corporate Buildings and Real Estate Division

4.2

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	William E. Fenwick, A/General Manager
Date:	December 19, 2002	**Prepared by:**	William Farkas 905-628-4300

SUBJECT: **Declaration of Surplus Lands, Block A, Plan M262, Immediately South of 922 Centre Road, Waterdown (CS03001) (Ward 15)**

RECOMMENDATION:

(a) That the City owned vacant lands identified as Block A, Plan M262 Centre Road, in the former municipality of Flamborough, now in the City of Hamilton, located immediately south of 922 Centre Road (Flamborough Centre Public School), comprising an area of approximately 1.319 hectares (3.26 acres), be declared surplus to the requirement of the City of Hamilton in accordance with the City of Hamilton Real Property Sale Procedural By-Law 95-049 and the former Town of Flamborough By-law No. 95-15-P;

(b) That the Corporate Building and Real Estate Division be authorized and directed to sell the subject property in accordance with the Real Property Sale Procedural By-Law 95-049 and Item 21 of Report 01-029 of the Committee of the Whole approved by City Council on September 18, 2001 approving the Consolidation of Routine Real Estate Matters.

William E. Fenwick, A/General Manager
Community Services

EXECUTIVE SUMMARY:

On July 10, 2000 prior to amalgamation, the Town of Flamborough passed By-law 2000-66-Z to amend the Official Plan designation and re-zone the subject property. The Town Council had previously declared the subject parcel surplus parkland. With the passing of this By-law the building of one residential unit on the subject parcel became an acceptable use of this property.

BACKGROUND:

The information/recommendations contained within this report primarily affect Ward 15.

Staff from the former Town of Flamborough report that the town obtained this parcel as a parkland dedication from the developers of the John Martin Crescent subdivision immediately to the east of the subject lands. Prior to July 4, 2000 the lands were zoned Park Open Space "O2". With the passing of By-law 2000-66-Z on July 10, 2000 the parcel was re-designated from Settlement Open Space on the Official Plan to Settlement Residential and Hazard Lands. Concomitantly, the subject was re-zoned from Park Open Space "O2" to Settlement Residential "R2" and Conservation Management "CM".

A minor tributary of Grindstone Creek traverses the east or rear lot line of the subject parcel. In order to protect this tributary and any improvements that may be built on the lot The Halton Region Conservation Authority commented that the rear portion of the parcel be designated Hazard Land on the Official Plan and be re-zoned as Conservation Management "CM". The existence of this tributary and the subsequent need for the above mentioned designation and re-zoning limits the developable tableland on the lot. Therefore, only one residential unit can be built on the subject lands.

Although the Town of Flamborough had declared this parcel surplus the Real Estate Section recently completed a circulation to all relevant city departments and related agencies of its intent to dispose of the subject on the open real estate market. This circulation was pursuant to City of Hamilton Real Property Sale Procedural By-Law 95-049 and was completed to inform departments in the New City of Hamilton of the availability of the subject. No expressions of interest in the property were received by any of the city departments or related agencies included in the circulation.

The circulation did result in the following pertinent comment from the Culture and Recreation Department. They commented that since the subject lands had been received as parkland dedication for the John Martin Crescent subdivision that any monies received from the sale of the subject must be credited to the parkland reserve fund.

This recommendation is consistent with the goal of managing the real estate assets of the city by identifying surplus properties and disposing of them on the open market.

ANALYSIS OF ALTERNATIVES:

A circulation to relevant city departments did not identify alternative municipal uses for the subject property. Similarly, the outside agencies contacted did not indicate any interest in the subject for current or future uses.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial

Upon the sale of the subject property it will become taxable and will most likely be developed with a residential use. The city will no longer be responsible for its maintenance costs.

It is recommended that any monies received from this sale be credited to the Reserve for Parkland.

Staffing

Municipal staff will no longer maintain the subject property.

Legal Implications

Re-designation and re-zoning have been completed on the subject to the approval of relevant agencies.

POLICIES AFFECTING PROPOSAL:

Identifying and disposing of surplus properties at market value is consistent with the effective management of the realty assets of the City of Hamilton.

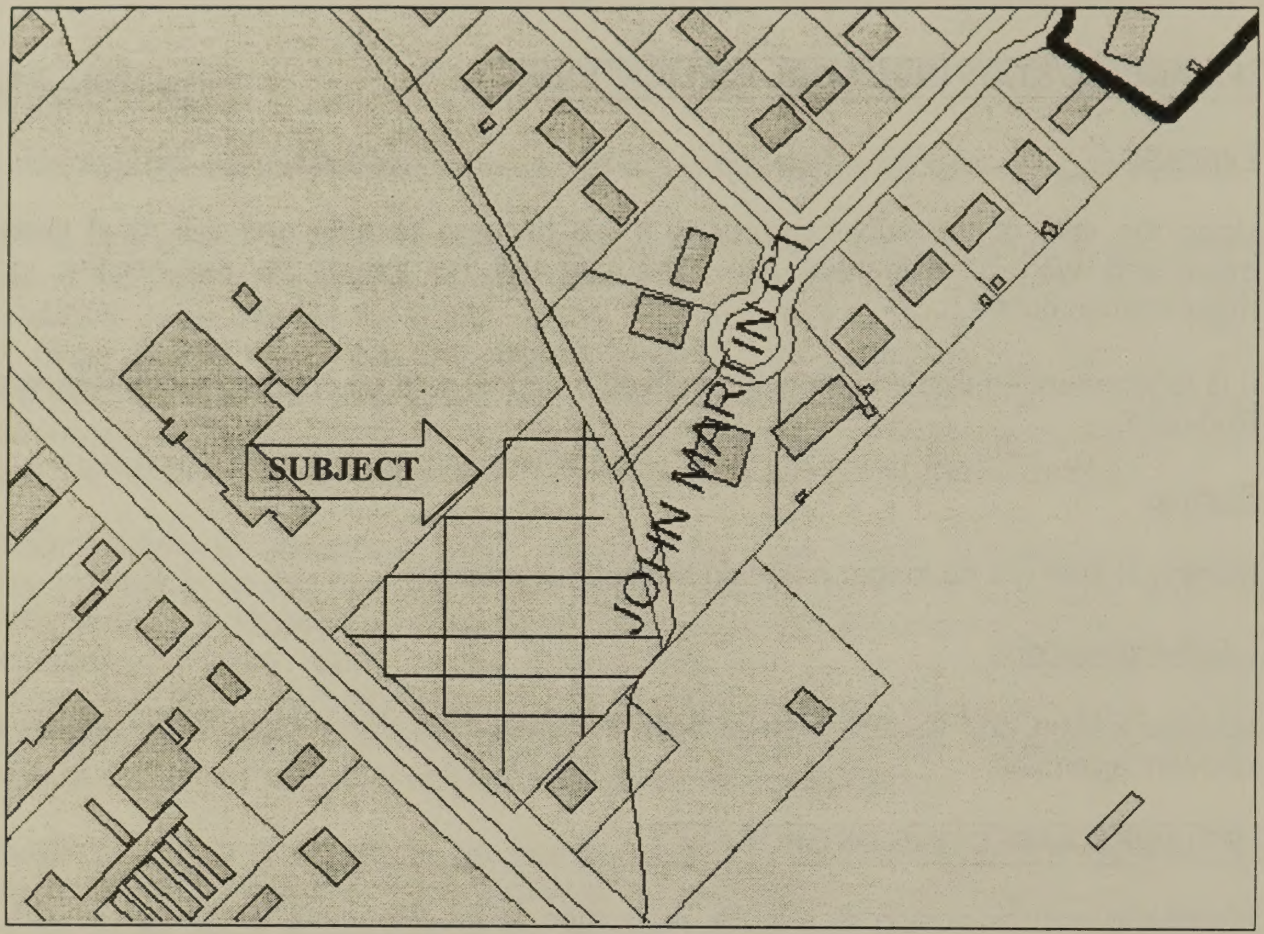
CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

The Real Estate Section communicated with various city departments and outside agencies with respect to the disposal of the subject property. While no alternative uses were identified in this process the Culture and Recreation and Planning Departments provided valuable comments with respect to the history of the property.

From 1999 to 2000 the Town of Flamborough had consulted with the Halton Region Conservation Authority on this property. The recommendations made by the Halton Region Conservation Authority at that time and adopted by the Town have been maintained in this proposal.

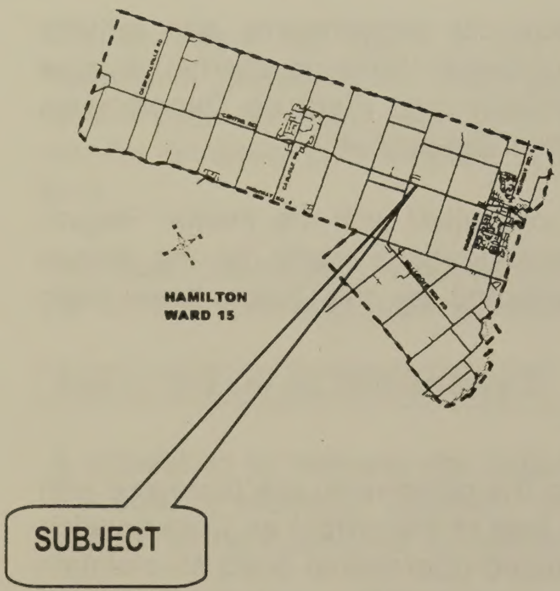
CITY STRATEGIC COMMITMENT:

The environmental impacts of this recommendation on the community are protected with the Hazard Land re-designation and the re-zoning of part of the parcel as Conservation Management. The economic impacts include the reduced operational costs to maintain the vacant lands. The positive impacts of this recommendation include increased property taxes and probable development fees. The city also benefits from the intensified use of existing infrastructure.



SUBJECT
JOHN MARTIN CT

KEY MAP



HAMILTON
WARD 15
SUBJECT

LOCATION PLAN

SURPLUS LAND
CENTRE ROAD, FLAMBOURGH

CITY OF HAMILTON

LEGEND

⇦

SUBJECT LAND

SCALE	DATE
NOT TO SCALE	**2002-12-17**

REFERENCE FILE NO: **2002-013**

**AFFECTS
WARD 3**

CITY OF HAMILTON

4.3

COMMUNITY SERVICES DEPARTMENT
Corporate Buildings and Real Estate Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	William E. Fenwick, A/General Manager
Date:	December 19, 2002	**Prepared by:**	William Farkas 905-628-4300

SUBJECT: Sale of City Owned Property-286 Sanford Ave. N., to Frederick Blake Kenwell, in trust for a company to be incorporated (CS03002)(Ward 3)

RECOMMENDATION:

(a) That an Offer to Purchase executed by Frederick Blake Kenwell, scheduled to close on or before February 3, 2003 for the property municipally known as 286 Sanford Avenue North, composed of Part of Lots 13, 15 & 30; All of Lots 14, 28 & 29; Part of the Alley lying between Lots 15 & 28, Closed by By-law 535 and Part of the Alley lying between Lots 13, 14, 29 & 30 Closed by Order Instrument 298258 HAM, Registered Plan 167, being described as Part 1 on Deposited Plan 62R-9241, saving and excepting Part 1 on Deposited Plan 62R-16213, in the City of Hamilton, be approved and completed and that the funds derived from this sale of $186,000, subject to adjustments be credited to account 47702-3560150100 (Land Sales);

(b) That the General Manager of Finance & Corporate Services hold the deposit cheque in the amount of $18,600 until the closing of this transaction;

(c) Upon successful completion of the sale, a real estate commission of $11,160 plus GST (6% of the $186,000 sale price) be paid to Star Real Estate Limited (Sale Representative David G. Field) who acted in this matter;

(d) That the completion of this transaction be subject to the following conditions:

(i) The Vendor entering into an encroachment agreement with the Roads & Traffic Division, Transportation, Operations and Environmental Department of the City of Hamilton, for that portion of the road allowance lying under the existing building as depicted on Plan 62R-9241. The Offer and Agreement are to be finalised and registered contemporaneously with each other.

(ii) The Vendor entering into a Heritage Easement Agreement with the Heritage & Urban Design Section, Planning and Development Department of the City of Hamilton, to conserve the present historical, architectural, aesthetic and scenic character of the building on the real property. The Offer and Agreement are to be finalised and registered contemporaneously with each other;

(e) That the Mayor and Municipal Clerk be authorised and directed to execute and issue a Certificate of Compliance in the form prescribed pursuant to Section 193 of the Municipal Act incorporating the following:

(i) The property was declared surplus by resolution of the City Council on February 13, 2002 by adopting Item #3, of Report 02-005 of the Committee of the Whole.

(ii) That in accordance with the approved method of the Notice to the Public in Real Property Sales Procedural By-law No. 95-049, the property was listed with a licensed real estate broker, Star Real Estate Limited and offered for sale to the public.

(iii) An appraisal of the fair market value of the real property to be sold was obtained on January 25, 2002.

William E. Fenwick, A/General Manager
Community Services

EXECUTIVE SUMMARY:

This report is to provide direction to staff to complete the sales transaction with Frederick Blake Kenwell, subject to the City's conditions as stipulated in the Offer to Purchase.

BACKGROUND:

The information/recommendations contained within this report primarily affect Ward 3.

Effective January 1, 1995 the Municipal Act was amended by Bill 163, requiring municipalities to enact a by-law to establish procedures for the sale of real property owned by a municipality.

In accordance with Item 21 of Report 01-029 of the Committee of the Whole approved by City Council on September 18, 2001 approving the Consolidation of Routine Real Estate Matters that authority to approve the disposition of land or any interest in land (except for a leasehold interest) be delegated to the City Manager, General Manager of the relevant department or their designates within the limits set out and subject to the following:

"(3) The disposition price shall be at or above fair market value;

(4) Fair market value shall be determined by appraisal (in-house, outside, verbal or written);

(5) Disposition value shall not exceed:

(i) $60,000 for the General Manager or designate;
(ii) $150,000 for the City Manager or designate."

As the Offer to Purchase price exceeds the limit as set out above, Council's approval is therefore sought to complete this transaction.

The City as a result of tax arrears in the amount of $359,275.45 acquired the subject property. Notice of Vesting to the City was registered on August 1, 2001 as Instrument Number VE 48827.

Located in the Gibson Neighbourhood at the southeast corner of Sanford Avenue North and Myler Street, the lot has dimensions of approximately 36.08 meters by 64.47 meters (118.37 ft. x 211.5 ft.) and a site area of approximately 0.279 hectares (0.69 acres). The building is an abandoned seven- (7) storey, 6224 square meter (67,000-sq. ft.) steel frame and brick office building, circa 1917, formerly occupied by Westinghouse Canada. Current zoning is K-Heavy Industrial, Official Plan Designation Industrial (Special Policy Area II) allows light industrial as well as heavy industrial uses under the zoning by-law. The structure is listed as a heritage building and is regarded as being in poor condition. The southern portion of the subject property is currently leased by the City to Siemens Westinghouse for parking purposes. The lease provides a monthly payment to the City and will continue on a month to month basis until such time as the subject lands are required for municipal purposes or sold. Upon acceptance of this transaction, notice will be provided to Siemens Westinghouse pursuant to the terms and conditions of the agreement to cancel and/or have the lease assigned to the prospective purchaser.

The former Corporation of the City of Hamilton had enacted By-law No. 88-202 designating the lands at 286 Sanford Avenue North as a property of Historical and Architectural Value and Interest. A copy of this by-law was registered against the subject property on September 16, 1988 as Instrument Number 475280 C.D.

Vanguard Pacifics Technologies Ltd. carried out a Facility Condition Assessment for this property. Based on their review and that of other experts in the various fields, their estimated cost to bring this facility back to today standards is approximately $5,981,000.

On January 25, 2002 staff engaged the services of Mr. Alan Tucker of Jake Ellens & Associates Inc. to conduct an appraisal to determine the estimated market value of the subject property. Based on the result of Mr. Tucker's analysis, it was his opinion that the Market Value of the subject property as at January 8, 2002 is $55,000.

The subject property was listed for sale with Star Realty on September 6, 2002, one of several realtors that have been approved to act on behalf of the City through a bidding process to provide municipal real estate services. The asking price was $99,900 for the subject lands.

As of November 13, 2002 Staff had received three offers on the subject property thereby, creating a multiple offer situation. Each party had signed a letter of "Acknowledgement" that they had been advised that there are multiple offers on the subject property and that they were making there best offer on that basis. Three Offers were received in the amount of $186,000, $110,000 and $100,000 respectively. As a result of the offers submitted two of the three offers were conditional upon:

(a) The purchasers conducting a Phase 1 & 2 environmental assessments of the said property; and

(b) The purchase price of the property in one offer as submitted be allocated towards the subject assets and to apply a portion of the sale price equivalent to three taxes as a pre-payment.

Other conditions within the above offers were minor in nature.

The remaining offer submitted by Frederick Blake Kenwell was unconditional with a purchase price of $186,000 for the subject property. Based on the submitted offers, Staff recommends that the lands be sold to the highest offer, being Fredrick Blake Kenwell. It is further noted that the sale price is well above the range of value, as determined by the appraisal of the subject's fair market value. It is further recommended that the cost incurred by Corporate Buildings and Real Estate Division for the preparation of the Facility Condition Assessment report and Asbestos consulting services be re-covered through the sale of the subject property.

It is also our understanding that the prospective purchaser's intention is to utilize the property as their headquarters for storage and distribution of goods. As a quiet partner to numerous manufacturers they handle the marketing and distribution of their products globally, which products range from environmental treatment systems, to customer products such as wood flooring. Other portions of the building will be leased to other companies to meet storage and office needs. The building will be upgraded to meet the needs and provide a proper business environment and presentation center.

ANALYSIS OF ALTERNATIVES:

As the building has sat vacant for a number of years, and if Council does not recommend the approval of the sale of this historical building, funding must then be allocated through the City's capital budget to maintain this vacant building on an interim basis, until such time as the property is sold. Further, as no alternative municipal use had been identified for the subject property which is due in part to the high cost of renovations and lack of parking, the economic spin off through the sale of the subject property will reduce operational costs to the City of Hamilton from a maintenance standpoint. The sale of the subject land will eliminate the financial burden on the City for the costs and liability associated with owning this property and would generate tax revenue. The sale of the subject will allow the re-adaptive use and preservation of the historical structure, as well as providing increased employment to the City of Hamilton.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial

If this recommendation is approved, staff will take the necessary steps to have this transaction finalized.

Staffing

No municipal need has been expressed to retain the subject property.

Legal Implications

Registering a Heritage Easement and Encroachment Agreement against the property will be completed and registered contemporaneously of each other.

Identifying and disposing of surplus properties at market value is consistent with the effective management of the realty assets of the City of Hamilton.

POLICIES AFFECTING PROPOSAL:

City Council on January 9, 2001, approved Item 1.2 of the Committee of the Whole establishing Policy for the sale of Municipally Owned Real Estate. Schedule "A" – Policy for the Sale of Municipally Owned Real Estate states in part:

" (3) Surplus lands shall be sold by one of three methods as appropriate in the discretion of the Real Estate section: 1) Tender Call. 2) Open Market-marketed and negotiated directly by staff or 3) Brokered – marketed by approved independent real estate brokers.

(4) With the exception of properties that are sold by tender, when property is initially put on the market for sale, a minimum period of time shall be specified during which the municipality will be open to accept all Offers to Purchase, such time to be no less than ten (10) days....."

As a condition of the Sales Listing Agreement with Star Real Estate Limited, the following notation was made; "that the listing of the subject property must be on the open market a minimum of fourteen (14) days before any offer will be considered by the City of Hamilton".

In accordance with Item 21 of Report 01-029 of the Committee of the Whole approved by City Council on September 18, 2001 approving the Consolidation of Routine Real Estate Matters that authority to approve the disposition of land or any interest in land (except for a leasehold interest) be delegated to the City Manager, General Manager of the relevant department or their designates within the limits set out and subject to the following:

"(3) The disposition price shall be at or above fair market value;

(4) Fair market value shall be determined by appraisal (in-house, outside, verbal or written);

(5) Disposition value shall not exceed:

- (i) $60,000 for the General Manager or designate;
- (ii) $150,000 for the City Manager or designate."

As the purchase price exceeds the limits as set out above, Council's approval is therefore required.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Various City Departments, School Boards, Hospital Boards, McMaster University, Mohawk College and the Province of Ontario have been notified of the surplus status of the subject and none have shown interest or objected to the sale subject to:

Planning and Development:

The subject lands are designated "Industrial" by the City of Hamilton Official Plan-Schedule A. The Gibson Neighbourhood Plan further indicated a land use designation of "Medium Density Apartments". The City of Hamilton Zoning By-law identifies the property a "K" (Heavy Industrial).

The property was subject to an OMB hearing for a proposed high-density residential development in the early 1990's but due to higher than desired density and noise concerns it was denied board.

Transportation Operations & Environment:

The City retaining sufficient lands to construct a standard radius curve at the intersection of Myler and Sanford Avenue. (minimum 2m x 3m)

According to the plans submitted there appears to be a number of building encroachments within the adjacent road allowances and agreements should be retained with the City for any encroachments within the road allowance with the purchaser(s).

Heritage & Urban Design:

In order to appropriately conserve and manage a city owned heritage asset that is now proposed for sale, heritage staff recommend that in this specific case that a Heritage Easement be negotiated as a condition of sale.

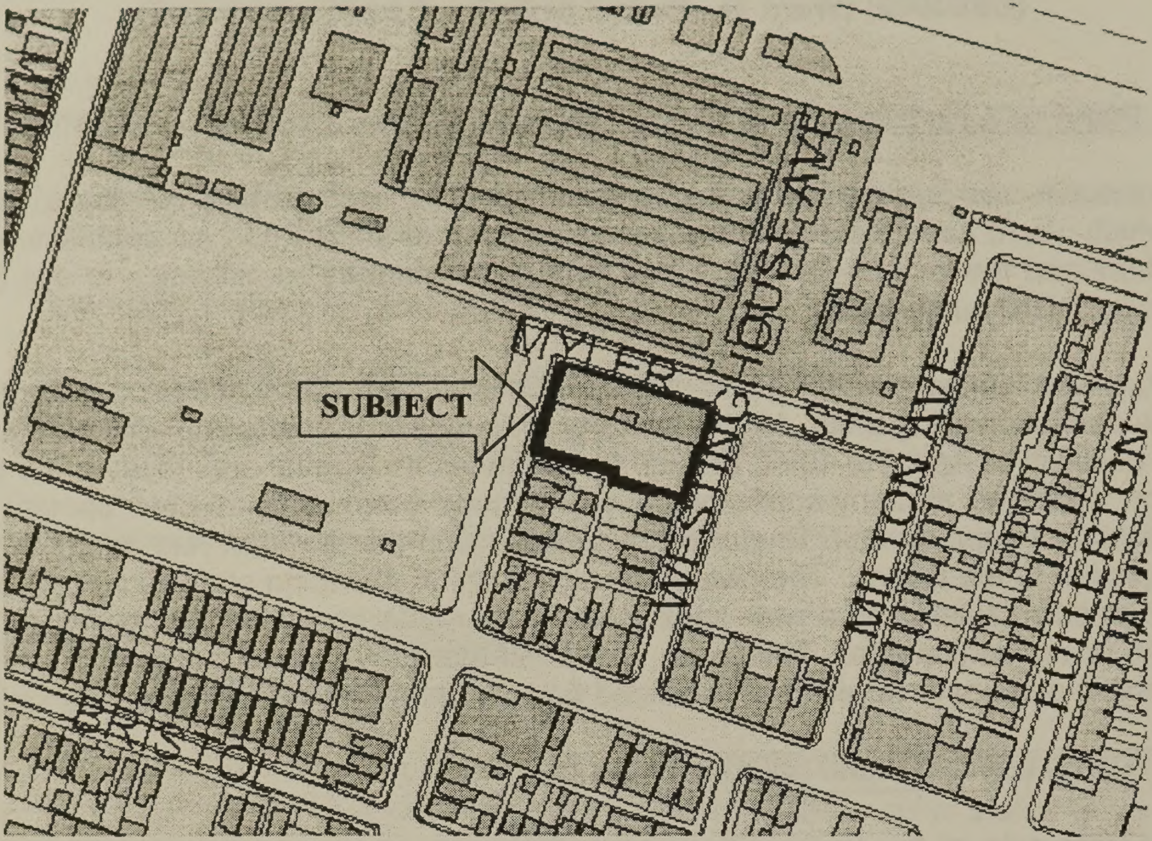
Social Planning & Housing:

Consideration had been given to this location for office space however, due to the high cost which would have exceeded the estimated value of $5,981,000 as established by the consultant and the lack of parking, it was determined that the re-utilisation of this building was economically unfeasible.

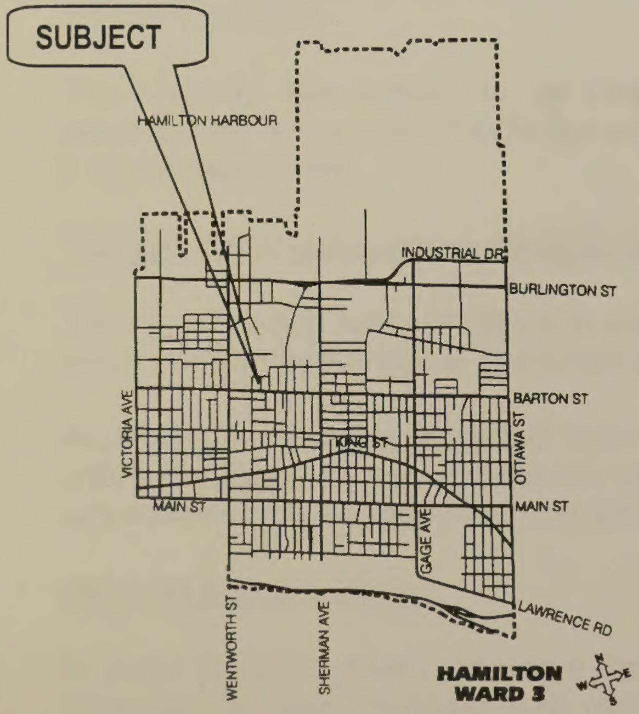
Staff had also looked at other alternatives and in particular, the conversion of the building into residential dwelling units. As the property was subject to a previous Ontario Municipal Board decision of April 29, 1991, denied the proposed residential use. Due to the board's decision, it was felt that any application to re-introduce a residential re-development on this site might be unsuccessful. Enquiries were made with the firm that had originally lodged the objection to the Board. They were non-committal to providing staff with a response as to their position relative to a new application being made to pursue the re-designation of the site for residential use. Therefore, it was felt that any form of residential use by any prospective purchaser would in all likelihood face an uphill battle with the original objector.

CITY STRATEGIC COMMITMENT:

The ultimate sale of the lands will assist in the re-adaptive use and preservation of the historical structure. The social and cultural impacts of the sale on the community will be protected through the registration of a Heritage Easement as a condition of the sale. Also, as noted previously in this report, the economic impacts through the sale of the subject property will reduce the City's liability and operational costs to maintain a vacant building, while increasing the City's tax base through the adaptive re-use of the building, as well as providing increased employment for the City of Hamilton.


SUBJECT
MYLER
ST
HOUSE AVE
WESTING
MILTON AVE
FULLERTON
BRISTOL

KEY MAP


SUBJECT
HAMILTON HARBOUR
INDUSTRIAL DR
BURLINGTON ST
BARTON ST
VICTORIA AVE
KING ST
OTTAWA ST
MAIN ST
MAIN ST
GAGE AVE
LAWRENCE RD
WENTWORTH ST
SHERMAN AVE
HAMILTON
WARD 3

LOCATION PLAN

286 SANFORD AVENUE NORTH
HAMILTON

CITY OF HAMILTON

LEGEND

⇨

SUBJECT LAND

SCALE	DATE
NOT TO SCALE	**2002-12-17**

REFERENCE FILE NO: **99C-26**

AFFECTS
WARD 14

CITY OF HAMILTON

4.4

TRANSPORTATION, OPERATIONS & ENVIRONMENT
Roads & Traffic

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Scott Stewart Acting General Manager
Date:	December 16, 2002	**Prepared by:**	S. Russell Extension 5660

SUBJECT: **Herbert Place and Marshboro Avenue - Intersection Control (TOE03001) - (Ward 14)**

RECOMMENDATION:

(a) That southbound traffic on Herbert Place be required to stop for eastbound and westbound traffic on Marshboro Avenue; and

(b) That the attached by-law to amend City of Hamilton Traffic By-law 01-215 be approved and enacted.

Scott Stewart, Acting General Manager
Transportation, Operations & Environment

EXECUTIVE SUMMARY:

Staff received a request that stop control be implemented at the intersection of Herbert and Marshboro. Staff support introducing a stop on the stem of the "T", as it will reinforce the expected operation of this type of intersection.

BACKGROUND:

The information/recommendations contained within this report primarily affect Ward 14.

Staff received a request that stop control be implemented at the intersection of Herbert and Marshboro.

The subject intersection is a recently constructed "T" type intersection with no intersection control. There have been no reported collisions at this intersection. Staff supports the principle of stopping one direction of traffic at "T" type intersections in lieu of the otherwise applicable "right-hand rule", which may not be clearly understood by all motorists. Therefore, staff recommends that southbound traffic on Herbert be required to stop for eastbound and westbound traffic on Marshboro.

ANALYSIS OF ALTERNATIVES:

One alternative to the recommendation would be to take no action on the implementation of stop control. The subject intersection is presently uncontrolled. There have been no reported collisions at this intersection, which is an indication that the intersection is operating satisfactorily without signed stop control. All-way stop was considered but did not meet the minimum requirements in the City's all-way stop policy.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Sufficient funds are available in regular current accounts to cover the cost of manufacturing, erecting and maintaining the required signs.

POLICIES AFFECTING PROPOSAL:

All-way stop control is not supported by the City's policy on all-way stop.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

N/A

CITY STRATEGIC COMMITMENT:

The implementation of stop control will clearly define the "right-of-way" at the subject intersection, thus, reducing the potential for collisions and providing a safer community.

Attached: Key Map & By-law

Authority: Item , Name of Committee
Report
CM: Date

Bill No.

CITY OF HAMILTON

BY-LAW NO. 02-

To Amend By-law No. 01-215 Being a By-law To Regulate Traffic

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-215 to regulate traffic;

AND WHEREAS it is necessary to amend By-law No. 01-215;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Schedule 5 (Stop Signs) of By-law No. 01-215, as amended, is hereby further amended by adding to Section "C" thereof the following item, namely:

   "Herbert Pl. Southbound Marshboro Ave."

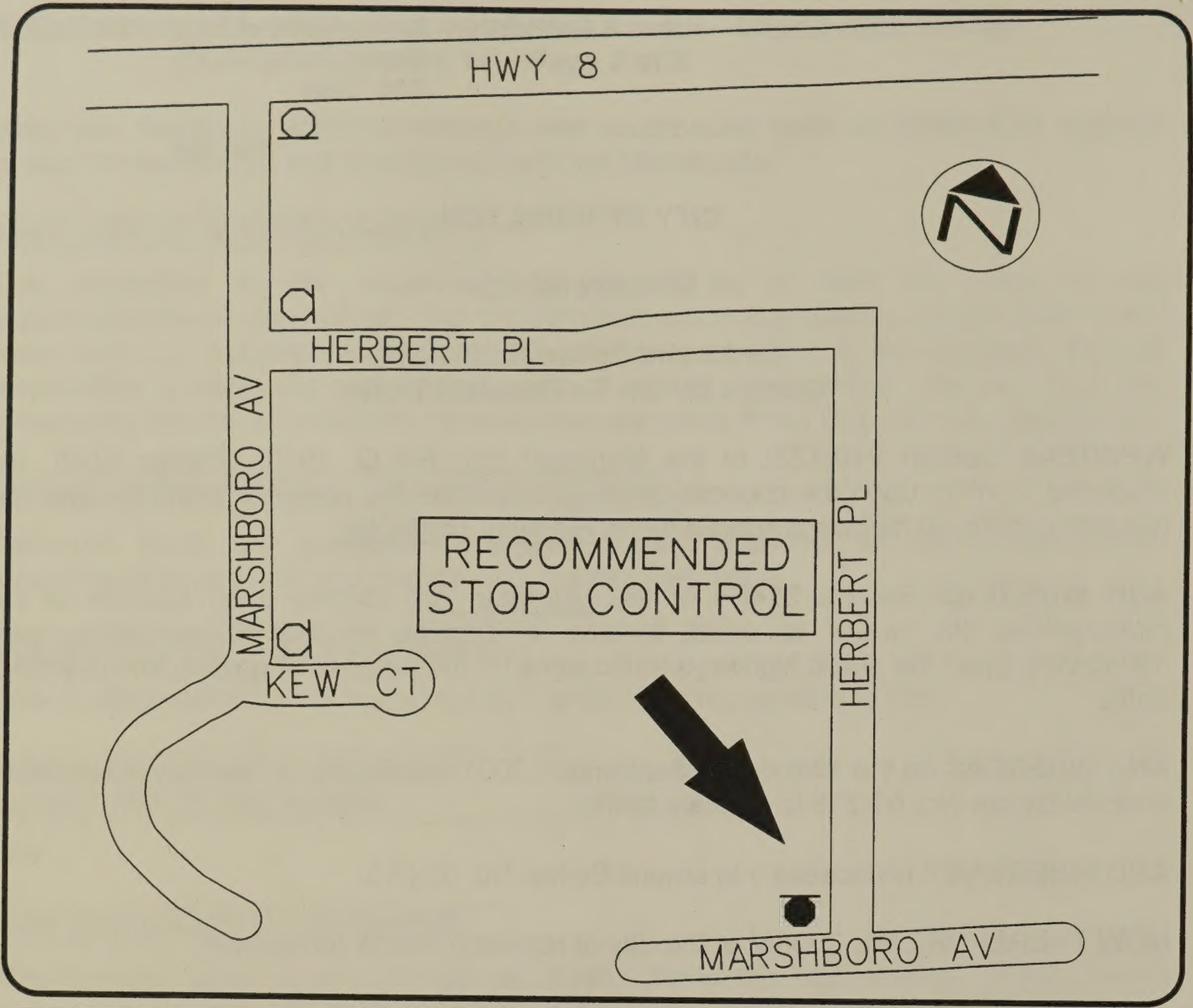
2. Subject to the amendments made in this By-law, in all other respects, By-law No. 01-215, including all Schedules thereto, as amended, is hereby confirmed unchanged.

3. This By-law shall come into force and take effect on the date of its passing and enactment.

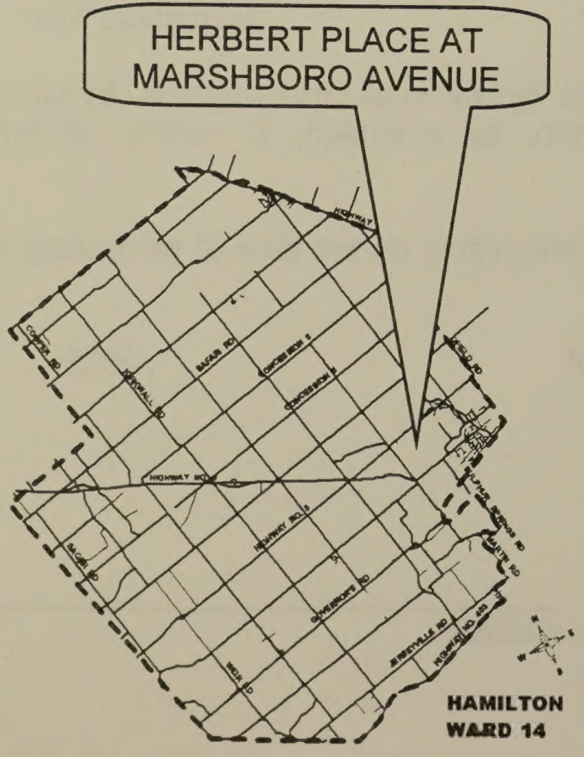
PASSED and ENACTED this day of , 2002

MAYOR

CLERK


HWY 8
HERBERT PL
MARSHBORO AV
RECOMMENDED STOP CONTROL
KEW CT
HERBERT PL
MARSHBORO AV

KEY MAP


HERBERT PLACE AT MARSHBORO AVENUE
HAMILTON WARD 14

LOCATION PLAN

STOP CONTROL:
SOUTHBOUND
HERBERT PLACE
AT MARSHBORO AVENUE
CITY OF HAMILTON
TRANSPORTATION, OPERATIONS & ENVIRONMENT

LEGEND

➡ SUBJECT INTERSECTION

RECOMMENDED	EXISTING
● TRAFFIC SIGNAL	○ TRAFFIC SIGNAL
● STOP SIGN	○ STOP SIGN
▼ YIELD SIGN	▽ YIELD SIGN

SCALE	DATE
NOT TO SCALE	2002-12-16

REFERENCE FILE NO: **TOE03001**

AFFECTS
WARD 8 & 9

CITY OF HAMILTON

4.5

TRANSPORTATION, OPERATIONS & ENVIRONMENT
Roads & Traffic

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Scott Stewart Acting General Manager
Date:	December 16, 2002	**Prepared by:**	T. Clayton Extension 5675

SUBJECT: Stop Control Installation at Sundown Drive at Amore Boulevard (Ward 8) and Sidney Crescent at Highland Road (Ward 9) (TOE03002)

RECOMMENDATION:

(a) That the installation of southbound stop control at the "T" type intersection of Sundown Drive and Amore Boulevard be approved; and

(b) That the Traffic By-law entry respecting the two intersections of Sidney Crescent and Highland Road be revised to differentiate the west intersection and east intersection; and

(c) That the attached by-law to amend City of Hamilton Traffic By-law 01-215 be passed and enacted.

Scott

Scott Stewart, Acting General Manager
Transportation, Operations & Environment

EXECUTIVE SUMMARY:

It is appropriate to designate right-of-way control for pedestrians and motorists at an intersection. The installation of stop control is recommended for southbound traffic on Sundown Drive at Amore Boulevard. Moreover, the clarification of the east and west intersection of Sidney Crescent at Highland Road is appropriate in the by-law.

BACKGROUND:

The information/recommendations contained within this report primarily affect Ward 8 and Ward 9.

A resident, in the vicinity of Sundown Drive and Amore Boulevard contacted the Traffic Engineering office regarding the uncontrolled traffic flow at this "T" type intersection. It is appropriate to install stop control on the stem portion of a "T" type intersection to define the right-of-way rules for motorists and pedestrians. Therefore, it is recommended that stop control be implemented southbound on Sundown Drive at Amore Boulevard.

Separately, a staff review of the by-law found an inaccurate listing for the intersection of Sidney Crescent and Highland Road where Sidney Crescent intersects Highland Road twice. A By-law was subsequently prepared and enacted but the entry did not note the west intersection as the subject of the stop control. The current by-law entry therefore has two identical stop control intersections. Thus, it is recommended that an amendment to the by-law is necessary for clarification between the west intersection and the east intersection.

ANALYSIS OF ALTERNATIVES:

The subject intersection is currently uncontrolled. Maintaining the intersection in an uncontrolled state may increase the probability of a collision occurrence. The provision of stop control on the side street is an improvement in safety for motorists and pedestrians.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Sufficient funds exist in the current budget sign installation and maintenance program.

POLICIES AFFECTING PROPOSAL:

Presently there is no official policy for stop control installation, however there is a procedure in place.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

The installation of stop control on the stem portion of a "T" type intersection is a standard engineering procedure and does not require consultation with other departments or agencies.

CITY STRATEGIC COMMITMENT:

The installation of stop control at the noted intersection will provide enhanced safety for pedestrians and motorists.

Attached: Key Map and By-law

Authority: Item , Name of Committee
Report
CM: Date

Bill No.

City of Hamilton

BY-LAW NO. 02-

To Amend:

By-law No. 01-215

TO REGULATE TRAFFIC

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-215 to regulate traffic;

AND WHEREAS it is necessary to amend By-law No. 01-215;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Schedule 5 (Stop Signs) of By-law No. 01-215 is hereby amended by adding to Section "E" thereof the following items, namely:

"Sundown	Southbound	Amore"

and by adding to Section "F" thereof the following items, namely:

"Sidney Crescent	Northbound	Highland Road (west intersection)
Sidney Crescent	Northbound	Highland Road" (east intersection)

and by deleting from Section "F" thereof the following items, namely:

"Sidney Crescent	Northbound	Highland Road

Sidney Crescent	North	Highland Road"

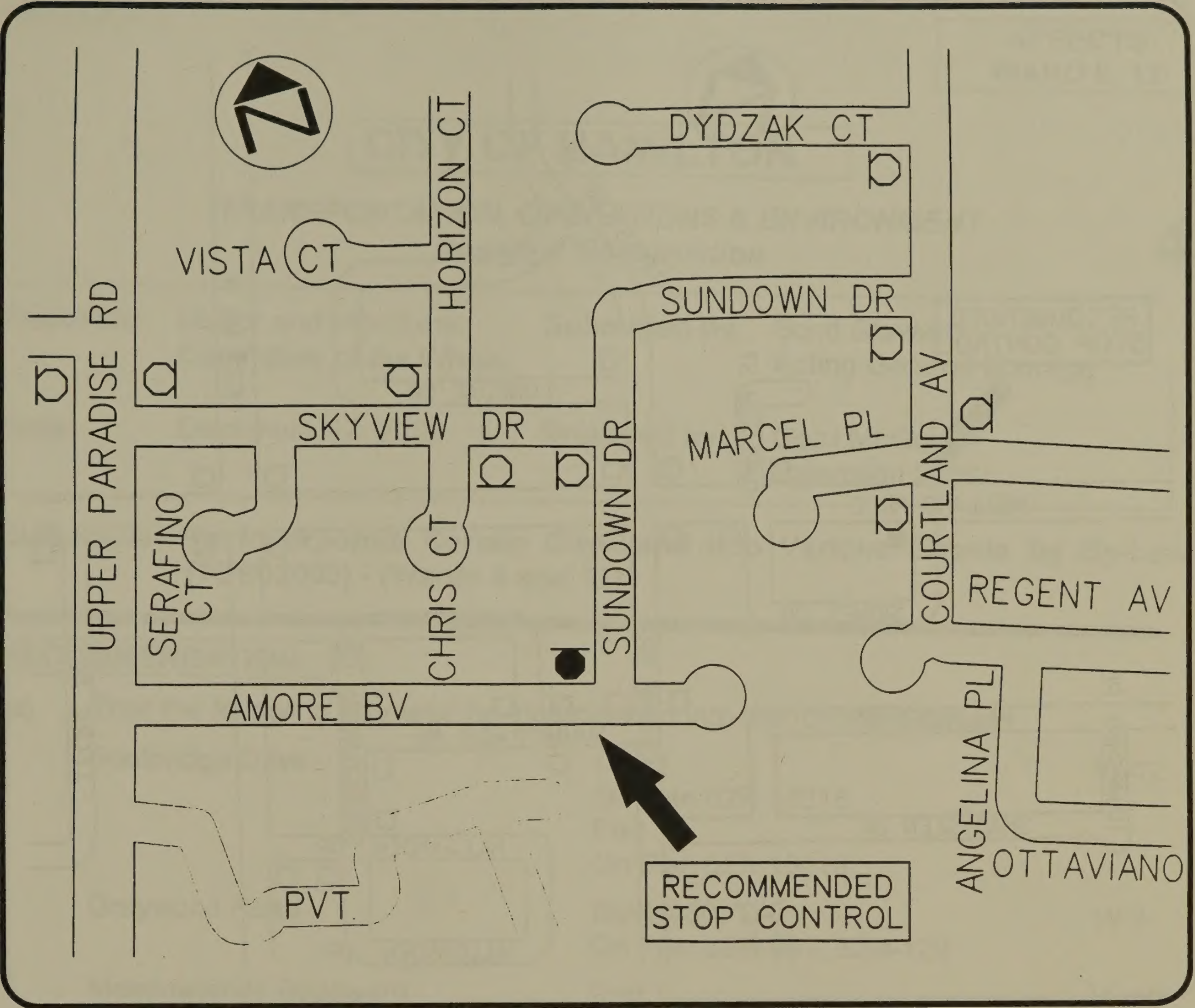
2. Subject to the amendment made in this By-law, in all other respects, By-law No. 01-215, including all Schedules thereto, as amended, is hereby confirmed unchanged.

3. This By-law shall come into force and take effect on the date of its passing and enactment.

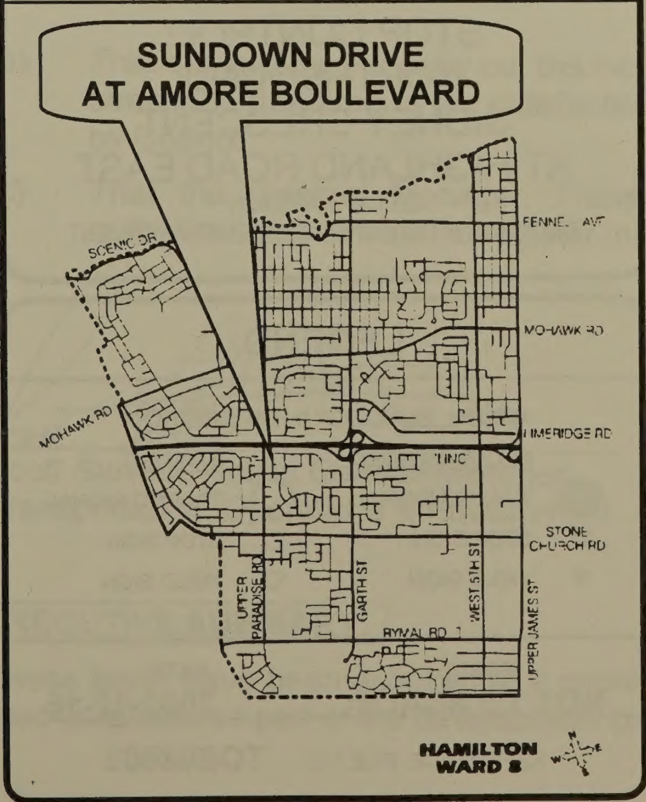
PASSED AND ENACTED this day of A.D. 2002

MAYOR

CITY CLERK


N
DYDZAK CT
VISTA CT
HORIZON CT
SUNDOWN DR
UPPER PARADISE RD
SKYVIEW DR
MARCEL PL
COURTLAND AV
SERAFINO CT
CHRIS CT
SUNDOWN DR
REGENT AV
AMORE BV
ANGELINA PL
OTTAVIANO
PVT
RECOMMENDED STOP CONTROL

KEY MAP


SUNDOWN DRIVE AT AMORE BOULEVARD
SCENIC DR
FENNELL AVE
MOHAWK RD
MOHAWK RD
LIMERIDGE RD
LINC
STONE CHURCH RD
UPPER PARADISE RD
GARTH ST
WEST 5TH ST
UPPER JAMES ST
RYMAL RD
HAMILTON WARD 8

LOCATION PLAN

STOP CONTROL:
SOUTHBOUND
SUNDOWN DRIVE
AT AMORE BOULEVARD
CITY OF HAMILTON
TRANSPORTATION, OPERATIONS & ENVIRONMENT

LEGEND

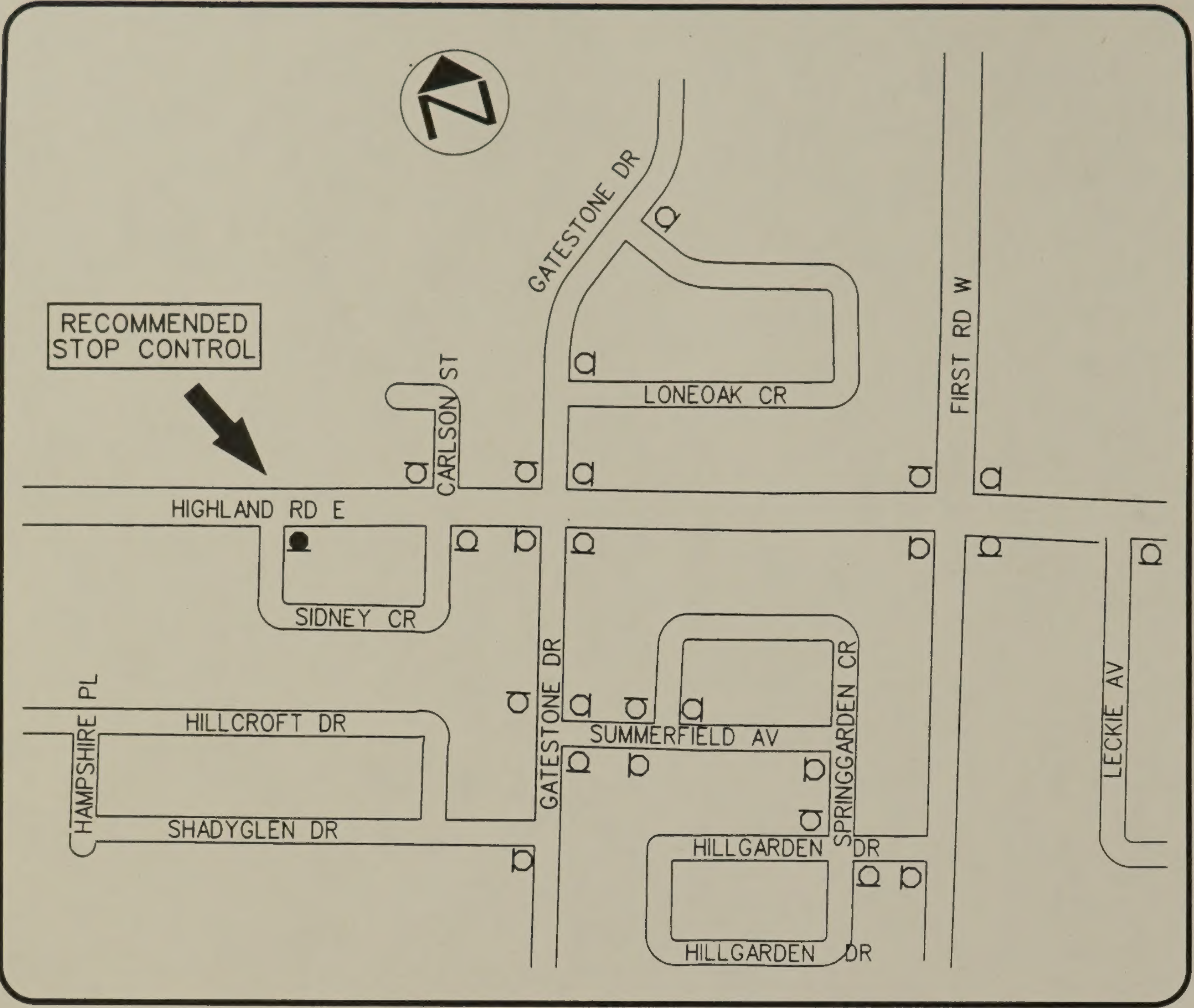
➡ SUBJECT INTERSECTION

RECOMMENDED		EXISTING	
●	TRAFFIC SIGNAL	○	TRAFFIC SIGNAL
●	STOP SIGN	▷	STOP SIGN
▼	YIELD SIGN	▽	YIELD SIGN

SCALE
NOT TO SCALE

DATE
2002-12-16

REFERENCE FILE NO: **TOE03002**


N
RECOMMENDED STOP CONTROL
GATESTONE DR
CARLSON ST
LONEOAK CR
FIRST RD W
HIGHLAND RD E
SIDNEY CR
HAMPSHIRE PL
HILLCROFT DR
SHADYGLEN DR
GATESTONE DR
SUMMERFIELD AV
SPRINGGARDEN CR
HILLGARDEN DR
HILLGARDEN DR
LECKIE AV

KEY MAP

SIDNEY CRESCENT,
HIGHLAND ROAD EAST
HAMILTON
WARD 9

LOCATION PLAN

STOP CONTROL:
NORTHBOUND
SIDNEY CRESCENT
AT HIGHLAND ROAD EAST
CITY OF HAMILTON
TRANSPORTATION, OPERATIONS & ENVIRONMENT

LEGEND

➡ SUBJECT INTERSECTION

RECOMMENDED		EXISTING	
●	TRAFFIC SIGNAL	○	TRAFFIC SIGNAL
●	STOP SIGN	○	STOP SIGN
▼	YIELD SIGN	▽	YIELD SIGN

SCALE	DATE
NOT TO SCALE	2002-12-16

REFERENCE FILE NO: **TOE03002**

AFFECTS WARD 8, 12

CITY OF HAMILTON

TRANSPORTATION, OPERATIONS & ENVIRONMENT
Design & Construction

4.6

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Scott Stewart Acting General Manage
Date:	December 17, 2002	**Prepared by:**	Gord McGuire Extension 2439

SUBJECT: **To Incorporate Certain City Land into Various Streets by By-Law (TOE03003) - (Wards 8 and 12)**

RECOMMENDATION:

(a) That the following City land be incorporated into the following streets:

Southridge Drive	Part 1 On Plan 62R-16315 Part 1 On Plan 62R-16016	W-12
Graywood Road	Blocks 30, 'DX' On Plan 62M-897, 62M-129	W-8
Meadowlands Boulevard	Part 1 On Plan 62R-16336	W-12
Stonehenge Drive	Block 84 On Plan 62M-895	W-12

(b) That the By-Laws to carry out the incorporation of the said land into the foregoing streets be prepared to the satisfaction of the Corporate Counsel and be enacted by Council.

(c) That the General Manager, Transportation, Operations & Environment, be authorized and directed to register the By-Laws.

Scott Stewart, Acting General Manager
Transportation, Operations & Environment

EXECUTIVE SUMMARY:

These lands have been acquired at a nominal cost of $2.00 by the City of Hamilton for road purposes as part of the development process.

BACKGROUND:

The information/recommendations contained within this report primarily affect Ward(s) 8, 12.

In order to facilitate orderly development the City has been acquiring lands through the subdivision dedication process or direct transfer. These lands are ultimately required to be a part of the road system.

To complete conditions of severance and to complete final street widths, it is necessary to incorporate City land into the road allowance as indicated below:

Incorporating Into Street Name	Land Description Being Incorporated	Financial Implications	Reason for Being Incorporated	File No.
Southridge Drive	Part 1 Plan 62R-16315 PIN 17036-0533 Part 1 Plan 62R-16016 PIN 17036-0533	N/A	To open street and allow orderly development	S600-01
Graywood Road	Blocks 30, 'DX' Plan 62M-897, Plan 62M-129 PIN	N/A	To open street and allow orderly development	S600-01
Meadowlands Boulevard	Part of Part 1 Plan 62R-16336 PIN 17565-0797	N/A	To open street and allow orderly development	S600-01
Stonehenge Drive	Block 84 Plan 62M-895 PIN 17565-1580	N/A	To open street and allow orderly development	S600-01

ANALYSIS OF ALTERNATIVES:

The alternative to not incorporating these lands into public highway would be to bar legal access to abutting lands. This would conflict with the development policies and approved road patterns.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

FINANCIAL: These lands have been acquired at nominal costs during the development process and as such there is limited financial impact on the City of Hamilton.

STAFFING: There are no associated staffing implications.

LEGAL: The City of Hamilton is complying with the relevant legislation by enacting these By-Laws.

POLICIES AFFECTING PROPOSAL:

This recommendation does not bind the corporation to any policy matter.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

In consultation with the Planning & Development Department, Development Engineering Section it has been determined that the development funding has been satisfied. As such this process should proceed to facilitate an orderly development pattern.

CITY STRATEGIC COMMITMENT:

The series of By-laws completes the development cycle originated under the Official Plans and the Vision 2020 document.

THE CITY OF HAMILTON

BY-LAW NO. 03-

TO INCORPORATE CITY LAND DESIGNATED AS PART 1 ON PLAN 62R-16016; PART 1 ON PLAN 62R-16315 INTO SOUTHRIDGE DRIVE

WHEREAS the Council of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as Southridge Drive within its limits;

AND WHEREAS the said land is owned by the City of Hamilton.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

3. That the following land is hereby established and laid out as a public highway to form part of Southridge Drive.

Part of Block 106 on Plan 62M-929, designated as Part 1 on Plan 62R-16016; Part 1 on Plan 62R-16315.

City of Hamilton

2. That the General Manager of Transportation, Operations & Environment or his duly authorized agent is hereby authorized to open the said land as a public highway.

5. That this by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED this day of A.D., 2003

Mayor

City Clerk

THE CITY OF HAMILTON

BY-LAW NO. 03-

TO INCORPORATE CITY LAND DESIGNATED AS BLOCK 30 ON PLAN 62M-897 AND BLOCK 'DX' ON PLAN 62M-129 INTO GRAYWOOD ROAD

WHEREAS the Council of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as Graywood Road within its limits;

AND WHEREAS the said land is owned by the City of Hamilton.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That the following land is hereby established and laid out as a public highway to form part of Graywood Road.

   Block 30 on Plan 62M-897.
   Block 'DX' on Plan 62M-129.

   City of Hamilton

2. That the General Manager of Transportation, Operations & Environment or his duly authorized agent is hereby authorized to open the said land as a public highway.

3. That this by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED this day of A.D., 2003

Mayor

City Clerk

THE CITY OF HAMILTON

BY-LAW NO. 03-

TO INCORPORATE CITY LAND DESIGNATED AS PART 1 ON PLAN 62R-16336 INTO MEADOWLANDS BOULEVARD

WHEREAS the Council of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as Meadowlands Boulevard within its limits;

AND WHEREAS the said land is owned by the City of Hamilton.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

2. That the following land is hereby established and laid out as a public highway to form part of Meadowlands Boulevard.

Lot 51, Concession 3, in the Geographic Township of Ancaster, designated as Part 1 on Plan 62R-16336.
City of Hamilton

2. That the General Manager of Transportation, Operations & Environment or his duly authorized agent is hereby authorized to open the said land as a public highway.

4. That this by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED this day of A.D., 2003

Mayor

City Clerk

THE CITY OF HAMILTON

BY-LAW NO. 03-

TO INCORPORATE CITY LAND DESIGNATED AS BLOCK 84 ON PLAN 62M-895 INTO STONEHENGE DRIVE

WHEREAS the Council of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as Stonehenge Drive within its limits;

AND WHEREAS the said land is owned by the City of Hamilton.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

4. That the following land is hereby established and laid out as a public highway to form part of Stonehenge Drive.

   Block 84 on Plan 62M-895.

   City of Hamilton

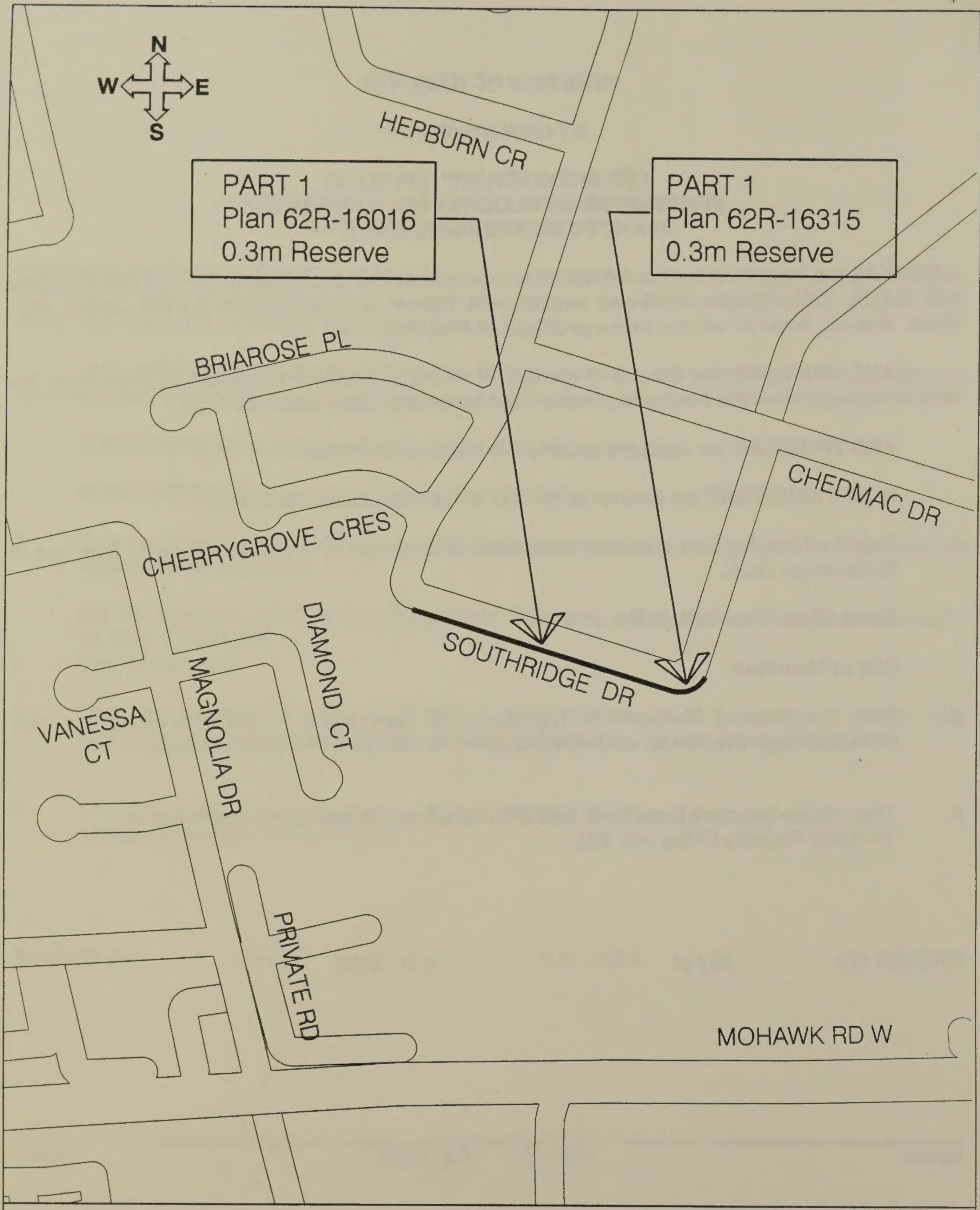
2. That the General Manager of Transportation, Operations & Environment or his duly authorized agent is hereby authorized to open the said land as a public highway.

6. That this by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED this day of A.D., 2003

Mayor

City Clerk


N
W
E
S
HEPBURN CR
PART 1
Plan 62R-16016
0.3m Reserve
PART 1
Plan 62R-16315
0.3m Reserve
BRIAROSE PL
CHEDMAC DR
CHERRYGROVE CRES
DIAMOND CT
SOUTHRIDGE DR
MAGNOLIA DR
VANESSA CT
PRIVATE RD
MOHAWK RD W

▬ Subject Land

City of Hamilton

By -law

Ward 8

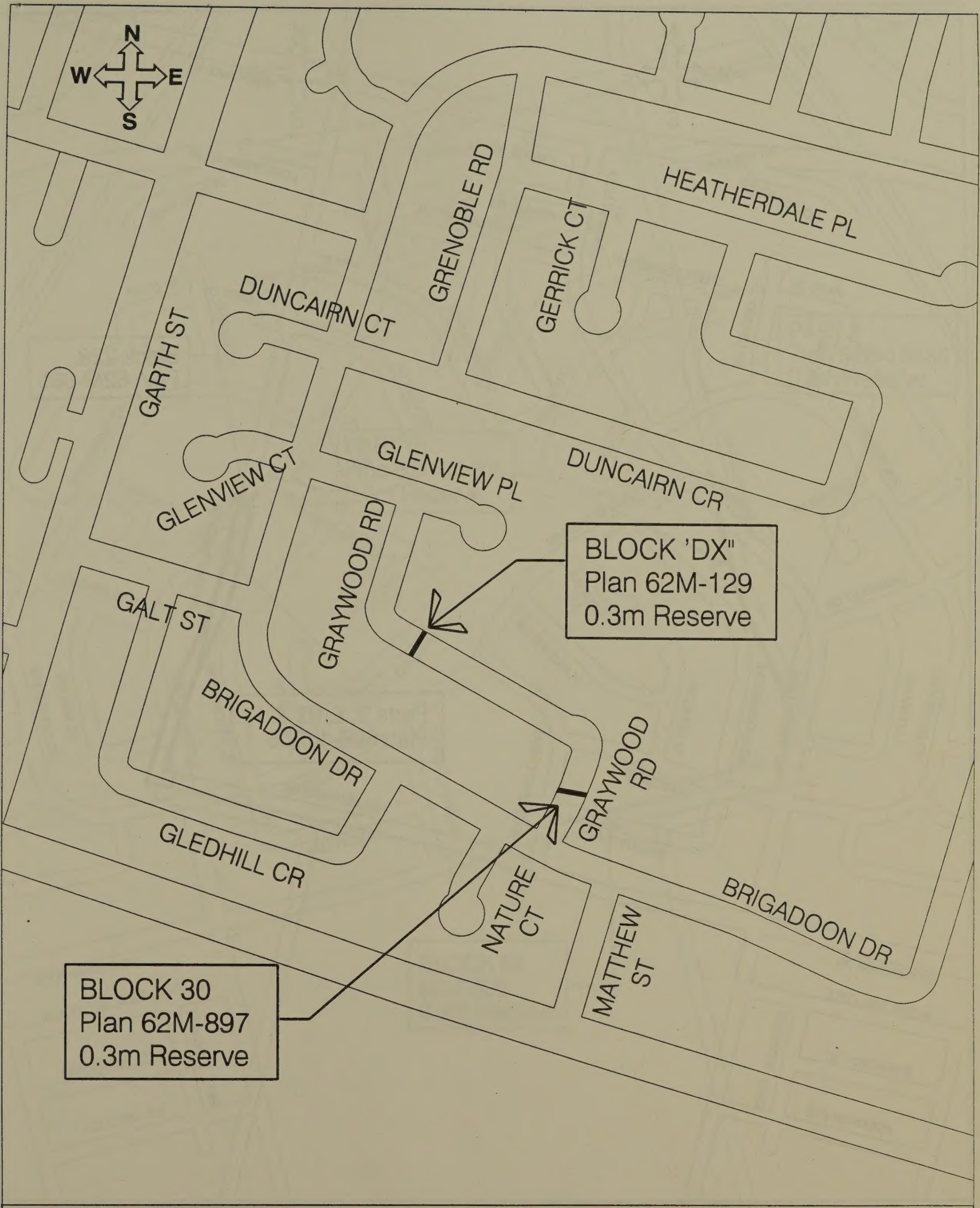
Southridge Drive

CITY OF
HAMILTON

Transportation, Operations and Environment Department
General Manager, Peter M. Crockett, P. Eng.

DATE: December, 2002

Not to Scale


N
W
E
S
HEATHERDALE PL
GRENOBLE RD
GERRICK CT
DUNCAIRN CT
GARTH ST
GLENVIEW PL
DUNCAIRN CR
GLENVIEW CT
GRAYWOOD RD
BLOCK 'DX"
Plan 62M-129
0.3m Reserve
GALT ST
BRIGADOON DR
GRAYWOOD RD
GLEDHILL CR
NATURE CT
MATTHEW ST
BRIGADOON DR
BLOCK 30
Plan 62M-897
0.3m Reserve

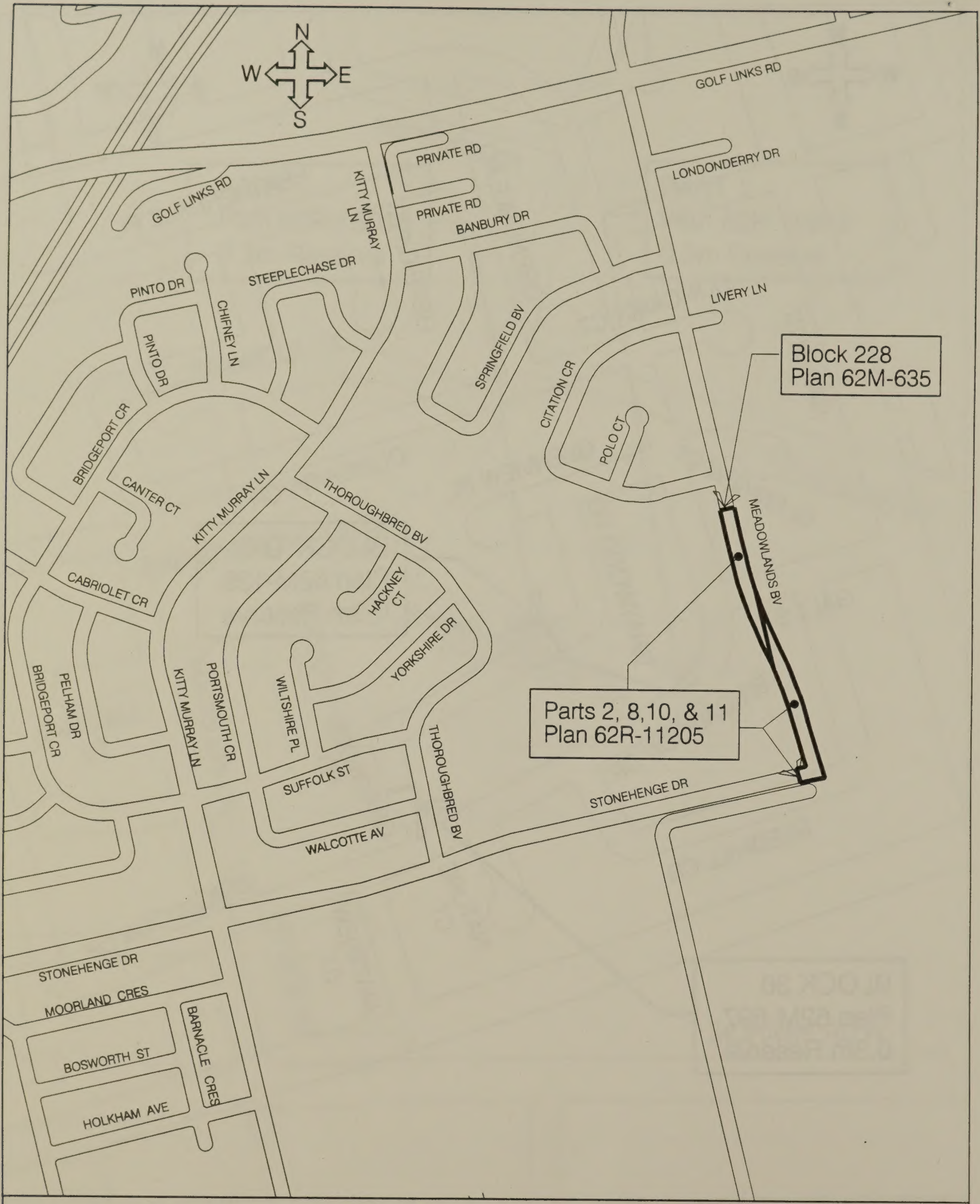
▬ Subject Lands

City of Hamilton
By-law
Ward 8
Graywood Road

CITY OF HAMILTON
Transportation, Operations and Environment Department
General Manager, Peter M. Crockett, P. Eng.

DATE: December, 2002

Not to Scale


N
W
E
S
GOLF LINKS RD
GOLF LINKS RD
PRIVATE RD
PRIVATE RD
LONDONDERRY DR
KITTY MURRAY LN
BANBURY DR
STEEPLECHASE DR
PINTO DR
PINTO DR
CHIFNEY LN
LIVERY LN
SPRINGFIELD BV
CITATION CR
POLO CT
Block 228
Plan 62M-635
BRIDGEPORT CR
CANTER CT
KITTY MURRAY LN
THOROUGHBRED BV
MEADOWLANDS BV
CABRIOLET CR
HACKNEY CT
YORKSHIRE DR
WILTSHIRE PL
PORTSMOUTH CR
KITTY MURRAY LN
PELHAM DR
BRIDGEPORT CR
Parts 2, 8,10, & 11
Plan 62R-11205
THOROUGHBRED BV
SUFFOLK ST
WALCOTTE AV
STONEHENGE DR
STONEHENGE DR
MOORLAND CRES
BOSWORTH ST
BARNACLE CRES
HOLKHAM AVE

▬ Subject Land

City of Hamilton

Meadowlands Boulevard

Ward 12

By-law

CITY OF

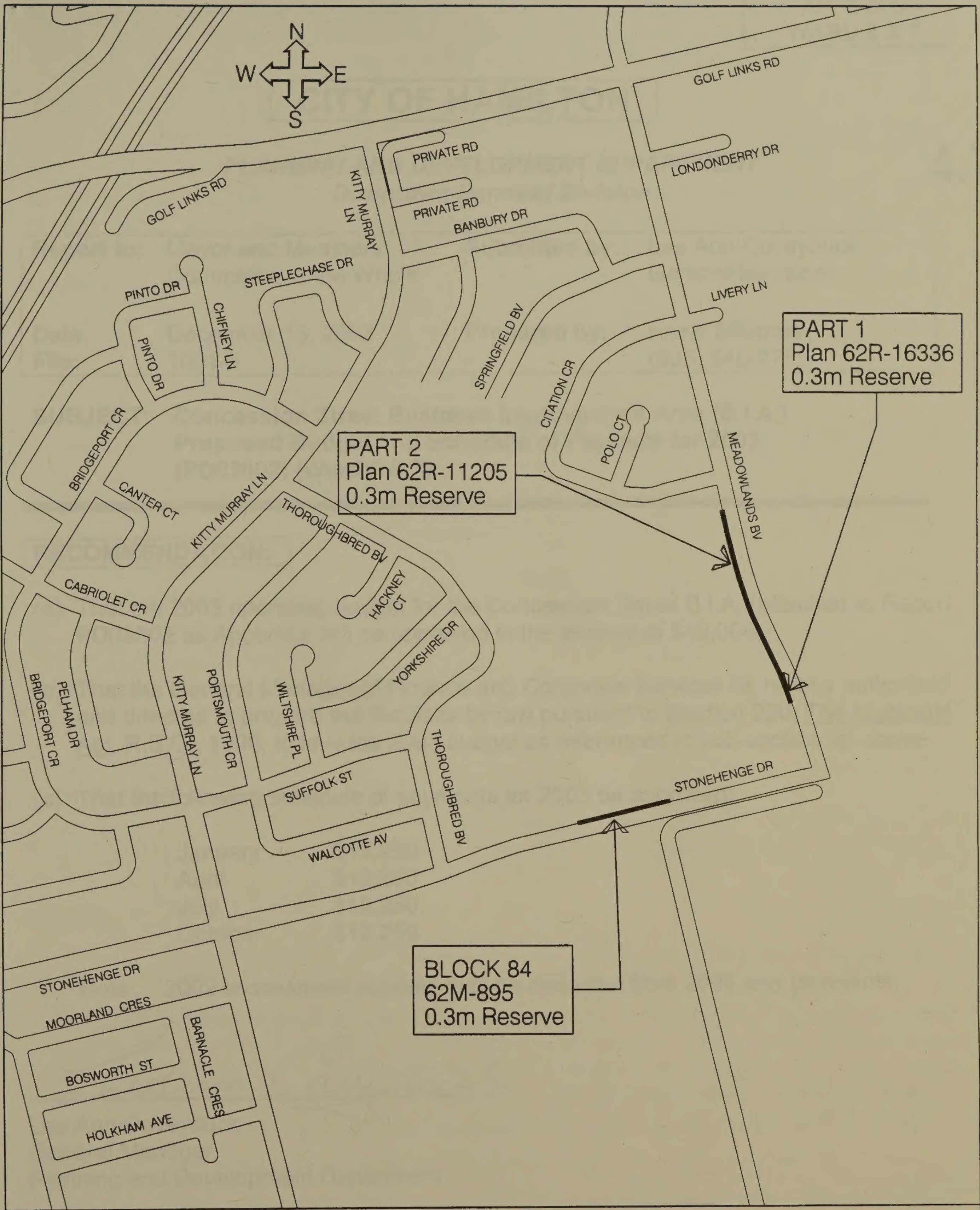
HAMILTON

Transportation, Operations and Environment Department

General Manager, Peter M. Crockett, P. Eng.

DATE: July 10, 2002

Not to Scale


N
W
E
S
GOLF LINKS RD
GOLF LINKS RD
PRIVATE RD
PRIVATE RD
LONDONDERRY DR
KITTY MURRAY LN
BANBURY DR
STEEPLECHASE DR
PINTO DR
CHIFNEY LN
PINTO DR
LIVERY LN
SPRINGFIELD BV
CITATION CR
POLO CT
MEADOWLANDS BV
PART 1
Plan 62R-16336
0.3m Reserve
PART 2
Plan 62R-11205
0.3m Reserve
BRIDGEPORT CR
CANTER CT
KITTY MURRAY LN
THOROUGHBRED BV
HACKNEY CT
CABRIOLET CR
YORKSHIRE DR
BRIDGEPORT CR
PELHAM DR
KITTY MURRAY LN
PORTSMOUTH CR
WILTSHIRE PL
THOROUGHBRED BV
SUFFOLK ST
STONEHENGE DR
WALCOTTE AV
BLOCK 84
62M-895
0.3m Reserve
STONEHENGE DR
MOORLAND CRES
BOSWORTH ST
BARNACLE CRES
HOLKHAM AVE

━ Subject Land

City of Hamilton
By-law
Ward 12
Stonehenge Drive
Meadowlands Boulevard

CITY OF
HAMILTON
Transportation, Operations and Environment Department
General Manager, Peter M. Crockett, P. Eng.

DATE: December, 2002

Not to Scale

AFFECTS
WARD 6 & 7

CITY OF HAMILTON

4.7

PLANNING AND DEVELOPMENT DEPARTMENT

Downtown Renewal Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Lee Ann Coveyduck General Manager
Date:	December 13, 2002	**Prepared by:**	Hazel Milsome (905) 546-2755
File:	1001-5		

SUBJECT: **Concession Street Business Improvement Area (B.I.A.) Proposed Budget and Schedule of Payment for 2003 (PD03002) (Ward 6 & 7)**

RECOMMENDATION:

(a) That the 2003 operating budget for the Concession Street B.I.A. (attached to Report PD03002 as Appendix 'A') be approved in the amount of $49,000;

(b) That the General Manager of Finance and Corporate Services be hereby authorized and directed to prepare the requisite by-law pursuant to Section 220, The Municipal Act, R.S.O., 1990, to levy the 2003 budget as referenced in sub-section (a) above;

(c) That the following schedule of payments for 2003 be approved:

January	$12,250
April	$12,250
July	$12,250
October	$12,250

Note: 2002 assessment appeals may be deducted from 2003 levy payments.

Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

Approval of the 2003 budget and schedule of payment for the Concession Street B.I.A.

BACKGROUND:

At its Annual General Meeting held on November 19, 2002, the Concession Street B.I.A.'s Board of Management presented its proposed budget for 2003. The process followed to adopt the Concession Street B.I.A.'s 2003 budget was in accordance with the B.I.A.'s constitution.

ANALYSIS OF ALTERNATIVES:

Not applicable.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial – The $49,000 is totally levied by the B.I.A. through its members. There is no cost to the City of Hamilton for any part of the operating budget.

Staffing – There are no staffing implications.

Legal – The Municipal Act, Section 220, sub-section (10) dictates that City Council must approve budgets of B.I.A.s.

POLICIES AFFECTING PROPOSAL:

Not applicable.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Not applicable.

CITY STRATEGIC COMMITMENT:

The initiatives of B.I.A.s' help create an attractive business district that extends to the local residents through the creation of a safer, cleaner and more aesthetically attractive district with positive results in the quality of life of its residents. Healthy business districts support neighbourhoods and healthy neighbourhoods support business districts. Economic health and healthy communities are important strategic objectives of the City.

HM:jcs
Attach. (1)

c.c. John Woolcott, Co-Chair, Concession Street B.I.A.

Appendix ‘A’ to Report PD03002
Page 1 of 1

CONCESSION STREET BUSINESS IMPROVEMENT AREA

2003 BUDGET

EXPENSES:

Installation and storage of Christmas Lights (new lights and Christmas trees)	$ 5,550	
Hydro, Christmas lights	$ 1,600	
Streetfest and Cornfest	$15,000	
Christmas, Bunny Hunt and Halloween	$ 3,000	
Sub-Total	$25,150	$25,150

ADMINISTRATION:

Office supplies, stamps, envelopes, printing, newsletter	$ 4,000	
Insurance	$ 1,100	
Accounting, Audit	$ 500	
Staff Contract	$12,000	
Sub-Total	$17,600	$17,600

OTHER:

Wine and Cheese	$ 1,250	
Cleansweep, miscellaneous	$ 1,000	
Advertising	$ 4,000	
Sub-Total	$ 6,250	$6,250

TOTAL BUDGET	$49,000

AFFECTS WARD 1

CITY OF HAMILTON

4.8

PLANNING AND DEVELOPMENT DEPARTMENT
Downtown Renewal Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Lee Ann Coveyduck General Manager
Date: **File:**	December 13, 2002 1001-3	**Prepared by:**	Hazel Milsome (905) 546-2755

SUBJECT: **Westdale Village Business Improvement Area (B.I.A.) Proposed Budget and Schedule of Payment for 2003 (PD03004) (Ward 1)**

RECOMMENDATION:

(a) That the 2003 operating budget for the Westdale Village B.I.A. (attached to Report PD03004 as Appendix 'A') be approved in the amount of $90,000;

(b) That the General Manager of Finance and Corporate Services be hereby authorized and directed to prepare the requisite by-law pursuant to Section 220, The Municipal Act, R.S.O., 1990, to levy the 2003 budget as referenced in sub-section (a) above;

(c) That the following schedule of payments for 2003 be approved:

January	$45,000
July	$45,000

Note: 2002 assessment appeals may be deducted from 2003 levy payments.

Lee Ann Coveyduck

Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

Approval of the 2003 budget and schedule of payment for the Westdale Village B.I.A.

BACKGROUND:

At its Annual General Meeting held on November 20, 2002, the Westdale Village B.I.A.'s Board of Management presented its proposed budget for 2003. The process followed to adopt the Westdale Village B.I.A.'s 2003 budget was in accordance with the B.I.A.'s constitution.

ANALYSIS OF ALTERNATIVES:

Not applicable.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial – The $90,000 is totally levied by the B.I.A. through its members. There is no cost to the City of Hamilton for any part of the operating budget.

Staffing – There are no staffing implications.

Legal – The Municipal Act, Section 220, Sub-section (10) dictates that City Council must approve budgets of B.I.A.s.

POLICIES AFFECTING PROPOSAL:

Not applicable.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Not applicable.

CITY STRATEGIC COMMITMENT:

The initiatives of B.I.A.s' help create an attractive business district that extends to the local residents through the creation of a safer, cleaner and more aesthetically attractive district with positive results in the quality of life of its residents. Healthy business districts support neighbourhoods and healthy neighbourhoods support business districts. Economic health and healthy communities are important strategic objectives of the City.

HM:jcs
Attach. (1)

c.c. David Simpson, Chairman, Westdale Village B.I.A.

Appendix 'A' to Report PD03004
Page 1 of 1

WESTDALE VILLAGE BUSINESS IMPROVEMENT AREA

2003 BUDGET

EXPENSES:

Rent, insurance, maintenance, event promotion, advertising etc.	$45,000	
Staff/contracts	$45,000	

TOTAL BUDGET **$90,000**

**AFFECTS
WARD 3**

CITY OF HAMILTON

4.9

PLANNING AND DEVELOPMENT DEPARTMENT
Downtown Renewal Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Lee Ann Coveyduck General Manager
Date: **File:**	December 13, 2002 1001-7	**Prepared by:**	Hazel Milsome (905) 546-2755

SUBJECT: **Barton Village Business Improvement Area (B.I.A.) Proposed Budget and Schedule of Payment for 2003 (PD03005) (Ward 3)**

RECOMMENDATION:

(a) That the 2003 operating budget for the Barton Village B.I.A. (attached as Appendix 'A' to Report PD03005) be approved in the amount of $27,012;

(b) That the 2003 levy portion of the operating budget for the Barton Village B.I.A. in the amount of $25,000 be approved;

(c) That the General Manager of Finance and Corporate Services be hereby authorized and directed to prepare the requisite by-law pursuant to Section 220, The Municipal Act, R.S.O., 1990, to levy the 2003 budget as referenced in sub-section (a) above;

(d) That the following schedule of payments for 2003 be approved:

January	$6,250
April	$6,250
July	$6,250
October	$6,250

Note: 2002 assessment appeals may be deducted from 2003 levy payments.

Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

Approval of the 2003 budget and schedule of payment for the Barton Village B.I.A.

BACKGROUND:

At its Annual General Meeting held on November 27, 2002, the Barton Village B.I.A.'s Board of Management presented its proposed budget for 2003. The process followed to adopt the Barton Village B.I.A.'s 2003 budget was in accordance with the B.I.A.'s constitution.

ANALYSIS OF ALTERNATIVES:

Not applicable.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial – The $27,012 operating budget for the Barton Village B.I.A. is derived through the following:

*	Levying its members	$25,000
*	Advertising Income	$ 2,000
*	Interest (bank)	$ 12

There is no cost to the City of Hamilton for any part of this operating budget.

Staffing – There are no staffing implications.

Legal – The Municipal Act, Section 220, Sub-section (10) dictates that City Council must approve budgets of B.I.A.s.

POLICIES AFFECTING PROPOSAL:

Not applicable.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Not applicable.

CITY STRATEGIC COMMITMENT:

The initiatives of B.I.A.s' help create an attractive business district that extends to the local residents through the creation of a safer, cleaner and more aesthetically attractive district with positive results in the quality of life of its residents. Healthy business districts support neighbourhoods and healthy neighbourhoods support business districts. Economic health and healthy communities are important strategic objectives of the City.

HM:jcs
Attach. (1)

c.c. Keith Cody, Executive Director, Barton Village B.I.A.

BARTON VILLAGE BUSINESS IMPROVEMENT AREA

2003 BUDGET

Advertising	$ 2,500	
Advertising radio	$ 6,000	
BIA Meetings	$ 1,000	
Business Development	$ 500	
Executive Director	$10,000	
Sub-Total		**$20,000**
Insurance		
Director's Insurance	$ 1,100	
Office Supplies	$ 200	
Sub-Total		**$ 1,300**
Professional Fees		
Accounting	$ 400	
Sub-Total		**$ 400**
Rent	$ 2,568	**$ 2,568**
Special Events	$ 500	**$ 500**
Telephone	$ 480	**$ 480**
Wages – Casual	$ 200	**$ 200**
Christmas Decorations – store and install	$ 1,300	**$ 1,300**
Contingency	$ 264	**$ 264**
Total Expense		**$27,012**

AFFECTS
WARD 2

CITY OF HAMILTON

4.10

PLANNING AND DEVELOPMENT DEPARTMENT
Downtown Renewal Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Lee Ann Coveyduck General Manager
Date: **File:**	December 13, 2002 1001-2	**Prepared by:**	Hazel Milsome (905) 546-2755

SUBJECT: **Downtown Hamilton Business Improvement Area (B.I.A.) Revised Board of Management (PD03006) (Ward 2)**

RECOMMENDATION:

That the following individual be appointed to the Downtown Hamilton B.I.A.'s Board of Management:

Tony Anderson, Dan Lawrie Insurance Brokers Ltd. - 105 Main Street East

Lee Ann Coveyduck

Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

Appointment of a new member to the Downtown Hamilton B.I.A.'s Board of Management.

BACKGROUND:

The Downtown Hamilton B.I.A.'s Board of Management at its meeting of November 20, 2002, elected Tony Anderson to its Board of Management for the remainder of the 2001-2003 term of office. The Board of Management had recently accepted Breckon Husband's resignation from the Board.

The Downtown Hamilton B.I.A.'s constitution dictates that the Board of Management will consist of a maximum of seventeen (17) members and a minimum of seven (7) members (not including its Ward Councillor). The appointment of the above individual brings the number of Board members to fourteen (14), not including the Ward Councillor, and therefore is in accordance with the Downtown Hamilton B.I.A.'s constitution.

ANALYSIS OF ALTERNATIVES:

Not applicable.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial – Not applicable.

Staffing – There are no staffing implications.

Legal – The Municipal Act, Section 220 governs B.I.A.s. Section (6) stipulates "A Board of Management established under subsection (1) is a body corporate and shall consist of such number of members appointed by council as the council considers advisable, at least one of whom shall be a member of the council and the remaining members shall be individuals who are persons who are entitled to notice under subsection (2) or clause (2.1) (a) or who are nominated by such persons".

POLICIES AFFECTING PROPOSAL:

Not applicable.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Not applicable.

CITY STRATEGIC COMMITMENT:

The initiatives of B.I.A.s' help create an attractive business district that extends to the local residents through the creation of a safer, cleaner and more aesthetically attractive districts with positive results on the quality of life of its residents. Healthy business districts support neighbourhoods and healthy neighbourhoods support business districts. Economic health and healthy communities are important strategic objectives of the City.

HM:jcs Rmm

c.c. Kathy Drewitt, Executive Director, Downtown Hamilton B.I.A.

**AFFECTS
WARD 2**

CITY OF HAMILTON

4.11

PLANNING AND DEVELOPMENT DEPARTMENT
Downtown Renewal Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Lee Ann Coveyduck General Manager
Date: **File:**	December 13, 2002 1001-2	**Prepared by:**	Hazel Milsome (905) 546-2755

SUBJECT: **Downtown Hamilton Business Improvement Area (B.I.A.) Proposed Budget and Schedule of Payment for 2003 (PD03017) (Affects Ward 2)**

RECOMMENDATION:

(a) That the 2003 operating budget for the Downtown Hamilton B.I.A. (attached as Appendix “A” to Report PD03017) be approved in the amount of $174,300;

(b) That the 2003 levy portion of the operating budget for the Downtown Hamilton B.I.A. in the amount of $161,000 be approved;

(c) That the General Manager of Finance and Corporate Services be hereby authorized and directed to prepare the requisite by-law pursuant to Section 220, The Municipal Act, R.S.O., 1990, to levy the 2003 budget as referenced in sub-section (b) above;

(d) That the following schedule of payments for 2003 be approved:

January	$40,250
April	$40,250
July	$40,250
October	$40,250

Note: 2002 assessment appeals may be deducted from 2003 levy payments.

LeeAnn Coveyduck

Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

Approval of the 2003 budget and schedule of payment for the Downtown Hamilton B.I.A.

BACKGROUND:

At its Annual General Meeting held on December 2, 2002, the Downtown Hamilton B.I.A.'s Board of Management presented its proposed budget for 2003. The process followed to adopt the Downtown Hamilton B.I.A.'s 2003 budget was in accordance with the B.I.A.'s constitution.

ANALYSIS OF ALTERNATIVES:

Not applicable.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial – The $174,300 operating budget for the Downtown Hamilton B.I.A. is derived through the following:

*	Levying its members	$161,000
*	Grants	$ 6,250
*	GST Rebate	$ 4,000
*	Interest	$ 50
*	Wage Subsidies	$ 3,000

Staffing – There are no staffing implications.

Legal – The Municipal Act, Section 220, sub-section (10) dictates that City Council must approve budgets of B.I.A.s.

POLICIES AFFECTING PROPOSAL:

Not applicable.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Not applicable.

CITY STRATEGIC COMMITMENT:

The initiatives of B.I.A.s' help create an attractive business district that extends to the local residents through the creation of a safer, cleaner and more aesthetically attractive district with positive results in the quality of life of its residents. Healthy business districts support neighbourhoods and healthy neighbourhoods support business districts. Economic health and healthy communities are important strategic objectives of the City.

HM:jcs
Attach. (1) Rmm

c.c. Kathy Drewitt, Executive Director, Downtown Hamilton B.I.A.

DOWNTOWN HAMILTON BUSINESS IMPROVEMENT AREA

2003 BUDGET

EXPENSES:

Professional Fees	$2,500	
Telephone	2,600	
GST	8,000	
Rent	11,100	
Meetings	2,500	
Salaries/Benefits	55,000	
Office Expenses	5,500	
Office Equipment	2,000	
Insurance	5,200	
Community Improvement Program	6,250	
Miscellaneous	3,500	
Sub-Total	$104,150	**$104,150**

SPECIAL EVENTS/PROMOTIONS:

Music in the City, Easter, Downtown BP,	$65,000	$65,000
Christmas in Gore Park, Advertising		
Sub-Total	$65,000	**$65,000**

Total Expenses		**$169,150**
Contingency		**5,150**

TOTAL BUDGET	**$174,300**

AFFECTS WARD 5

CITY OF HAMILTON

4.12

PLANNING AND DEVELOPMENT DEPARTMENT
Building and Licensing Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Lee Ann Coveyduck General Manager
Date: **File:**	December 13, 2002 02 195851	**Prepared by:**	Frank Peter (905) 546-2781

SUBJECT: **Demolition Permit – 75 Beach Boulevard (PD03001) (Ward 5)**

RECOMMENDATION:

That the Director of Building and Licensing be authorized and directed to issue a demolition permit for 75 Beach Boulevard in accordance with By-Law 74-209 pursuant to Section 33 of The Planning Act as amended.

Lee Ann Coveyduck

Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

The owner is proposing to demolish the existing single family dwelling and leave the lands vacant at this time. This one and one half storey frame and insul-brick dwelling is in poor condition and there is an outstanding Property Standards Order registered on title.

BACKGROUND:

PRESENT ZONING:	C/S-1435 (Map E-80B)
PRESENT USE:	Single Family Dwelling
PROPOSED USE:	Vacant Land
BRIEF DESCRIPTION:	The owner is seeking approval to demolish the existing single family dwelling and leave the lands vacant at this time. Please note that this one and a half storey frame and insul-brick dwelling is in poor condition and there is a Property

Standards Order registered on title. These lands are in the Hamilton Beach C neighbourhood and are located in Ward 5. Please see attached location map shown as Attachment A to Report PD03001.

No LACAC interest. Lot size 9.91m x 121.41m

The owner of the property, as per the demolition permit application, is:

Dr. F. Barry Brown
28 Campus Drive
Saskatoon, SK S7N 0X1

ANALYSIS OF ALTERNATIVES:

N/A

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial – N/A

Staffing – N/A

Legal – N/A

POLICIES AFFECTING PROPOSAL:

N/A

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

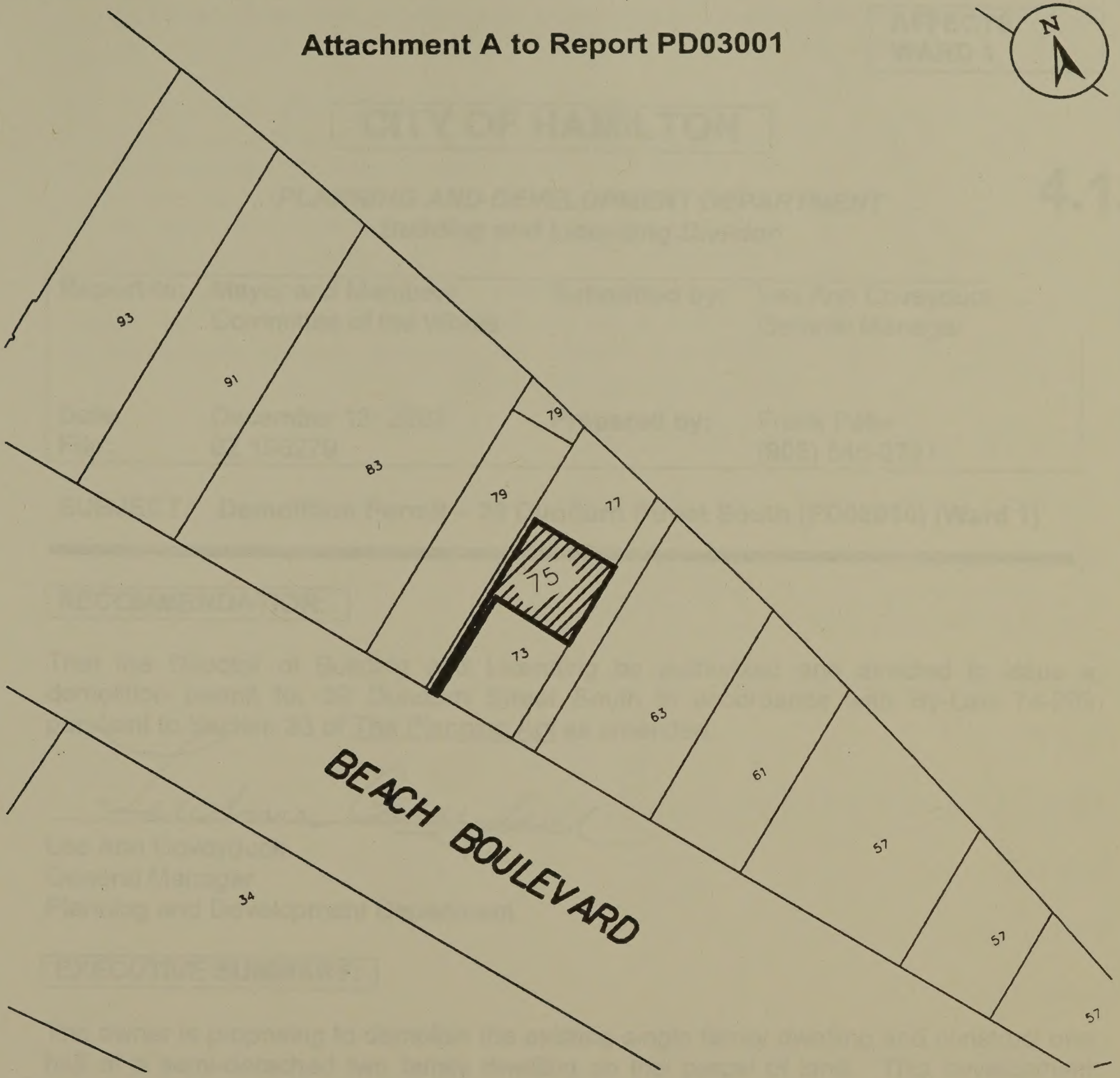
N/A

CITY STRATEGIC COMMITMENT:

This property is not listed on the City's inventory list as being of interest to the Local Architectural Conservation Advisory Committee (L.A.C.A.C.), therefore, there are no issues with heritage preservation.

:FP
Attach. (1)

Attachment A to Report PD03001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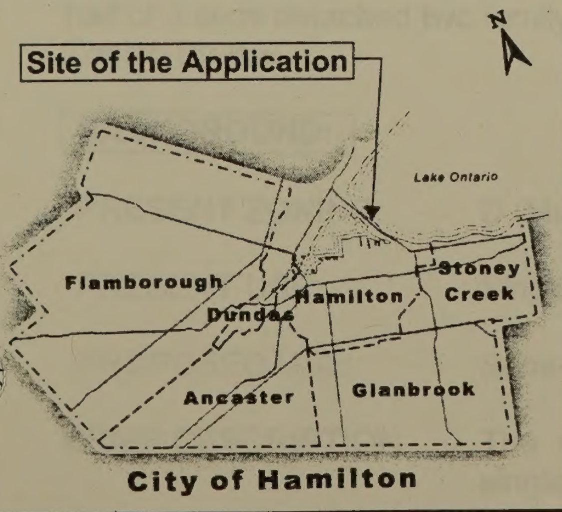
BEACH BOULEVARD


Site of the Application
N
Lake Ontario
Flamborough
Dundas
Hamilton
Stoney Creek
Ancaster
Glanbrook
City of Hamilton

PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

▨ **Subject Property**
75 Beach Boulevard

Hamilton

Filename/number
PD03001

Date
December 9, 2002

Technician:
LC

Map Not to Scale

Appendix "A"

AFFECTS
WARD 1

CITY OF HAMILTON

4.13

PLANNING AND DEVELOPMENT DEPARTMENT
Building and Licensing Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Lee Ann Coveyduck General Manager
Date: **File:**	December 13, 2002 02 196279	**Prepared by:**	Frank Peter (905) 546-2781

SUBJECT: **Demolition Permit – 39 Dundurn Street South (PD03010) (Ward 1)**

RECOMMENDATION:

That the Director of Building and Licensing be authorized and directed to issue a demolition permit for 39 Dundurn Street South in accordance with By-Law 74-209 pursuant to Section 33 of The Planning Act as amended.

Lee Ann Coveyduck

Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

The owner is proposing to demolish the existing single family dwelling and construct one half of a semi-detached two family dwelling on this parcel of land. This development consists of the demolition of four (4) single family dwellings known as 39, 41, 47 and 49 Dundurn Street South and the construction of three (3) new semi-detached two family dwellings. Committee of Adjustment decision A-02:234 permitted the construction of one half of a semi detached two family dwelling on this parcel of land, with variances from the Zoning By-law.

BACKGROUND:

PRESENT ZONING:	D (Map W-22)
PRESENT USE:	Single Family Dwelling
PROPOSED USE:	Semi-Detached Two Family Dwelling
BRIEF DESCRIPTION:	The owner is seeking approval to demolish the existing single family dwelling and construct a new semi-detached

two family dwelling. This development consists of the demolition of four (4) single family dwellings known as 39, 41, 47 and 49 Dundurn Street South and the construction of three (3) new semi-detached two family dwellings. Committee of Adjustment decision A-02:234 permitted the construction of a one half of a semi-detached two family dwelling with variances from the Zoning By-law. These lands are in the Strathcona neighbourhood and are located in Ward 1. Please see attached location map shown as Attachment A to Report PD03010.

No LACAC interest. Lot size 7.62m x 35.89m

The owner of the property, as per the demolition permit application, is:

Michael Valvasori
15 Old Oaks Place
Ancaster, ON L9G 4W9

ANALYSIS OF ALTERNATIVES:

N/A

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial – N/A

Staffing – N/A

Legal – N/A

POLICIES AFFECTING PROPOSAL:

N/A

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

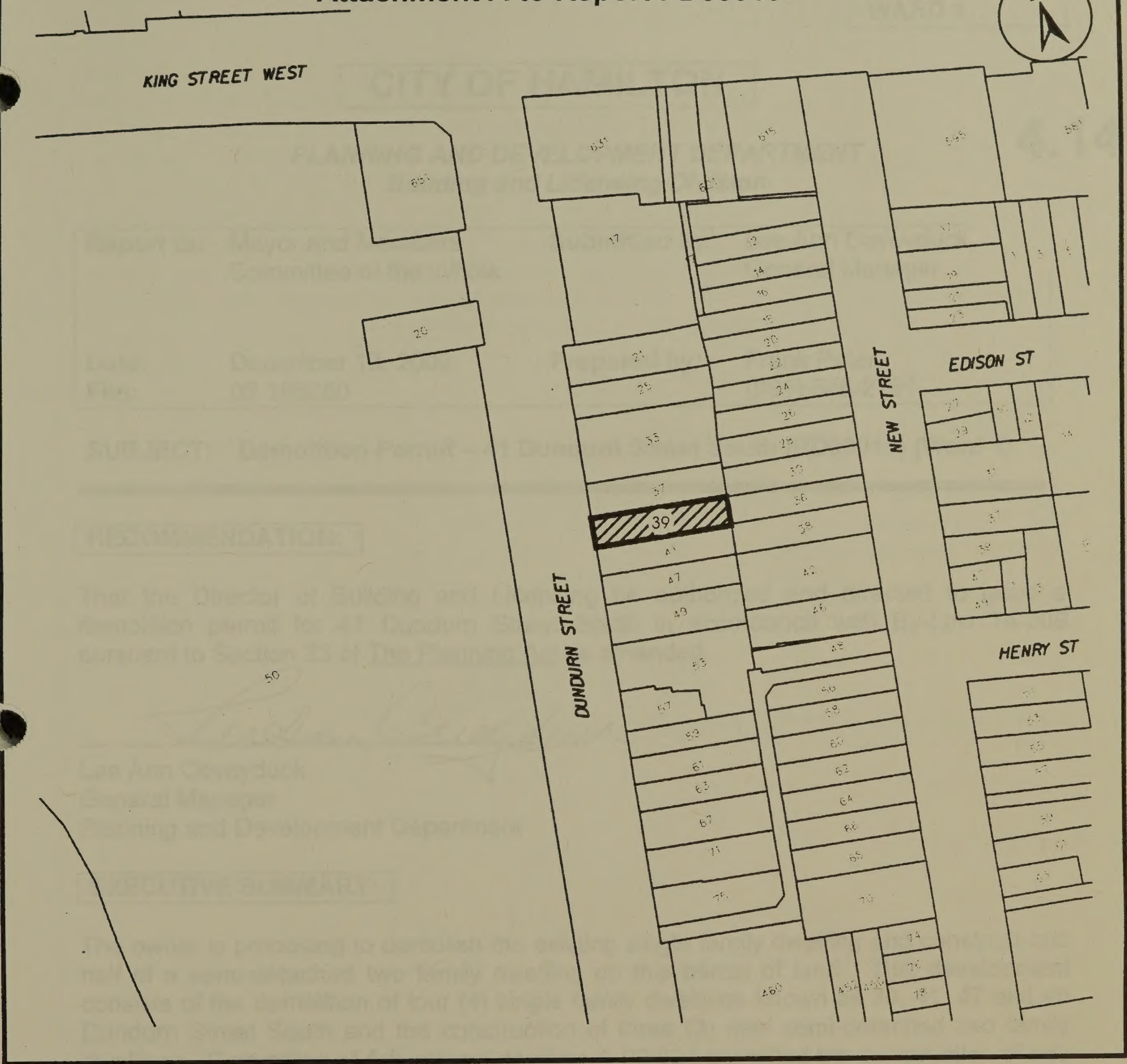
N/A

CITY STRATEGIC COMMITMENT:

The replacement of the dwelling is consistent with the goals of Vision 2020, as the redevelopment will minimize environmental, social, and financial costs of new development to the residents of the City of Hamilton. Redevelopment will also curb urban sprawl and suburban encroachment onto rural and agricultural lands.

:FP
Attach. (1)

Attachment A to Report PD03010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KING STREET WEST
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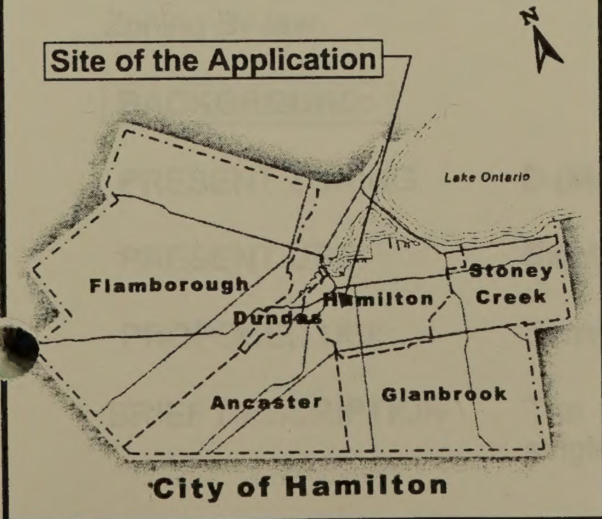

Site of the Application
N
Lake Ontario
Flamborough
Dundas
Hamilton
Stoney Creek
Ancaster
Glanbrook
City of Hamilton

PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

▨ **Subject Property**
39 Dundurn Street

Hamilton

Filename/number
PD03010

Date
December 9, 2002

Technician:
LC

Map Not to Scale

Appendix "A"

AFFECTS
WARD 1

CITY OF HAMILTON

4.14

PLANNING AND DEVELOPMENT DEPARTMENT
Building and Licensing Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Lee Ann Coveyduck General Manager
Date:	December 13, 2002	**Prepared by:**	Frank Peter
File:	02 196280		(905) 546-2781

SUBJECT: **Demolition Permit – 41 Dundurn Street South (PD03011) (Ward 1)**

RECOMMENDATION:

That the Director of Building and Licensing be authorized and directed to issue a demolition permit for 41 Dundurn Street South in accordance with By-Law 74-209 pursuant to Section 33 of The Planning Act as amended.

LeeAnn Coveyduck

Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

The owner is proposing to demolish the existing single family dwelling and construct one half of a semi-detached two family dwelling on this parcel of land. This development consists of the demolition of four (4) single family dwellings known as 39, 41, 47 and 49 Dundurn Street South and the construction of three (3) new semi-detached two family dwellings. Committee of Adjustment decision A-02:234 permitted the construction of one half of a semi detached two family dwelling on this parcel of land, with variances from the Zoning By-law.

BACKGROUND:

PRESENT ZONING:	D (Map W-22)
PRESENT USE:	Single Family Dwelling
PROPOSED USE:	Semi-Detached Two Family Dwelling
BRIEF DESCRIPTION	The owner is seeking approval to demolish the existing single family dwelling and construct a new semi-detached

two family dwelling. This development consists of the demolition of four (4) single family dwellings known as 39, 41, 47 and 49 Dundurn Street South and the construction of three (3) new semi-detached two family dwellings. Committee of Adjustment decision A-02:234 permitted the construction of a one half of a semi-detached two family dwelling with variances from the Zoning By-law. These lands are in the Strathcona neighbourhood and are located in Ward 1. Please see attached location map shown as Attachment A to Report PD03011.

No LACAC interest. Lot size 7.62m x 35.89m

The owner of the property, as per the demolition permit application, is:

Michael Valvasori
15 Old Oaks Place
Ancaster, ON L9G 4W9

ANALYSIS OF ALTERNATIVES:

N/A

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial – N/A

Staffing – N/A

Legal – N/A

POLICIES AFFECTING PROPOSAL:

N/A

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

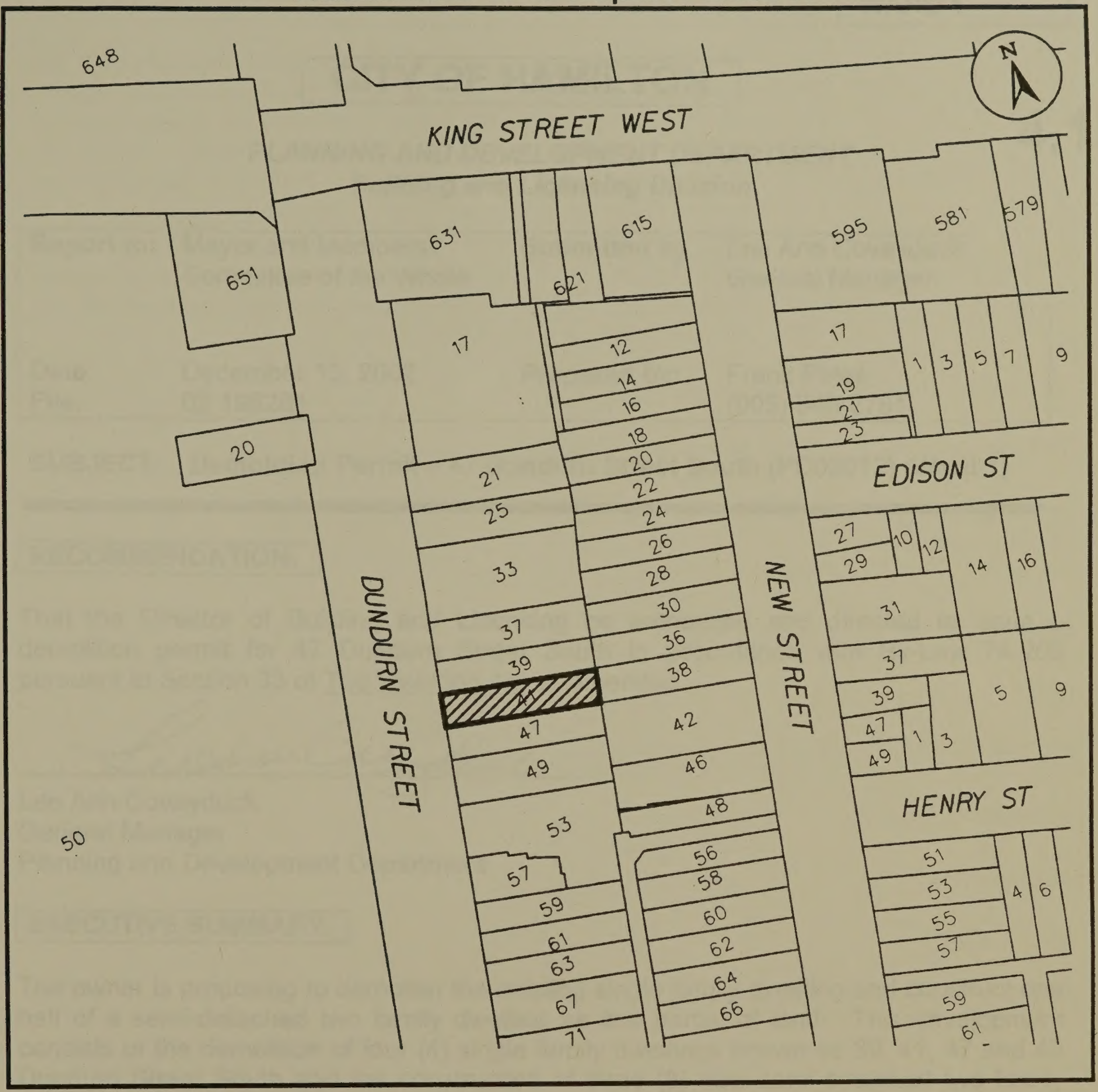
N/A

CITY STRATEGIC COMMITMENT:

The replacement of the dwelling is consistent with the goals of Vision 2020, as the redevelopment will minimize environmental, social, and financial costs of new development to the residents of the City of Hamilton. Redevelopment will also curb urban sprawl and suburban encroachment onto rural and agricultural lands.

:FP
Attach. (1)

Attachment 'A' to Report PD03011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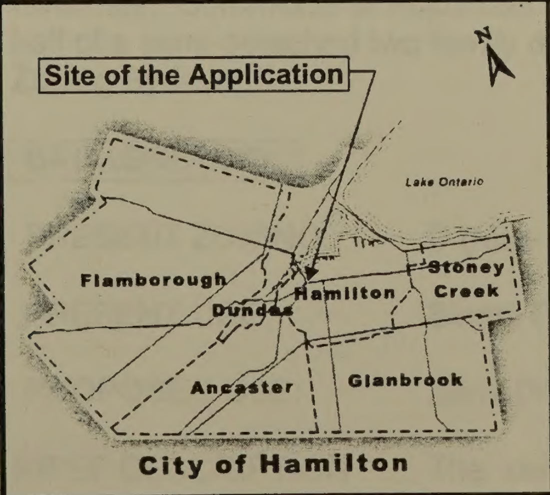

Site of the Application
N
Lake Ontario
Flamborough
Dundas
Hamilton
Stoney Creek
Ancaster
Glanbrook
City of Hamilton

PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

▨ **Subject Property**
41 Dundurn Street South

Hamilton

Filename/number
PD03011

Date
December 9, 2002

Technician:
MC

Map Not to Scale

Appendix "A"

AFFECTS WARD 1

4.15

CITY OF HAMILTON

PLANNING AND DEVELOPMENT DEPARTMENT
Building and Licensing Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Lee Ann Coveyduck General Manager
Date: **File:**	December 13, 2002 02 196281	**Prepared by:**	Frank Peter (905) 546-2781

SUBJECT: **Demolition Permit – 47 Dundurn Street South (PD03012) (Ward 1)**

RECOMMENDATION:

That the Director of Building and Licensing be authorized and directed to issue a demolition permit for 47 Dundurn Street South in accordance with By-Law 74-209 pursuant to Section 33 of The Planning Act as amended.

Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

The owner is proposing to demolish the existing single family dwelling and construct one half of a semi-detached two family dwelling on this parcel of land. This development consists of the demolition of four (4) single family dwellings known as 39, 41, 47 and 49 Dundurn Street South and the construction of three (3) new semi-detached two family dwellings. Committee of Adjustment decision A-02:235 permitted the construction of one half of a semi-detached two family dwelling on this parcel of land, with variances from the Zoning By-law.

BACKGROUND:

PRESENT ZONING:	D (Map W-22)
PRESENT USE:	Single Family Dwelling
PROPOSED USE:	Semi-Detached Two Family Dwelling
BRIEF DESCRIPTION	The owner is seeking approval to demolish the existing single family dwelling and construct a new semi-detached

two family dwelling. This development consists of the demolition of four (4) single family dwellings known as 39, 41, 47 and 49 Dundurn Street South and the construction of three (3) new semi-detached two family dwellings. Committee of Adjustment decision A-02:235 permitted the construction of a one half of a semi-detached two family dwelling with variances from the Zoning By-law. These lands are in the Strathcona neighbourhood and are located in Ward 1. Please see attached location map shown as Attachment A to Report PD03012.

No LACAC interest. Lot size 7.62m x 35.89m

The owner of the property, as per the demolition permit application, is:

Michael Valvasori
15 Old Oaks Place
Ancaster, ON L9G 4W9

ANALYSIS OF ALTERNATIVES:

N/A

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial – N/A

Staffing – N/A

Legal – N/A

POLICIES AFFECTING PROPOSAL:

N/A

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

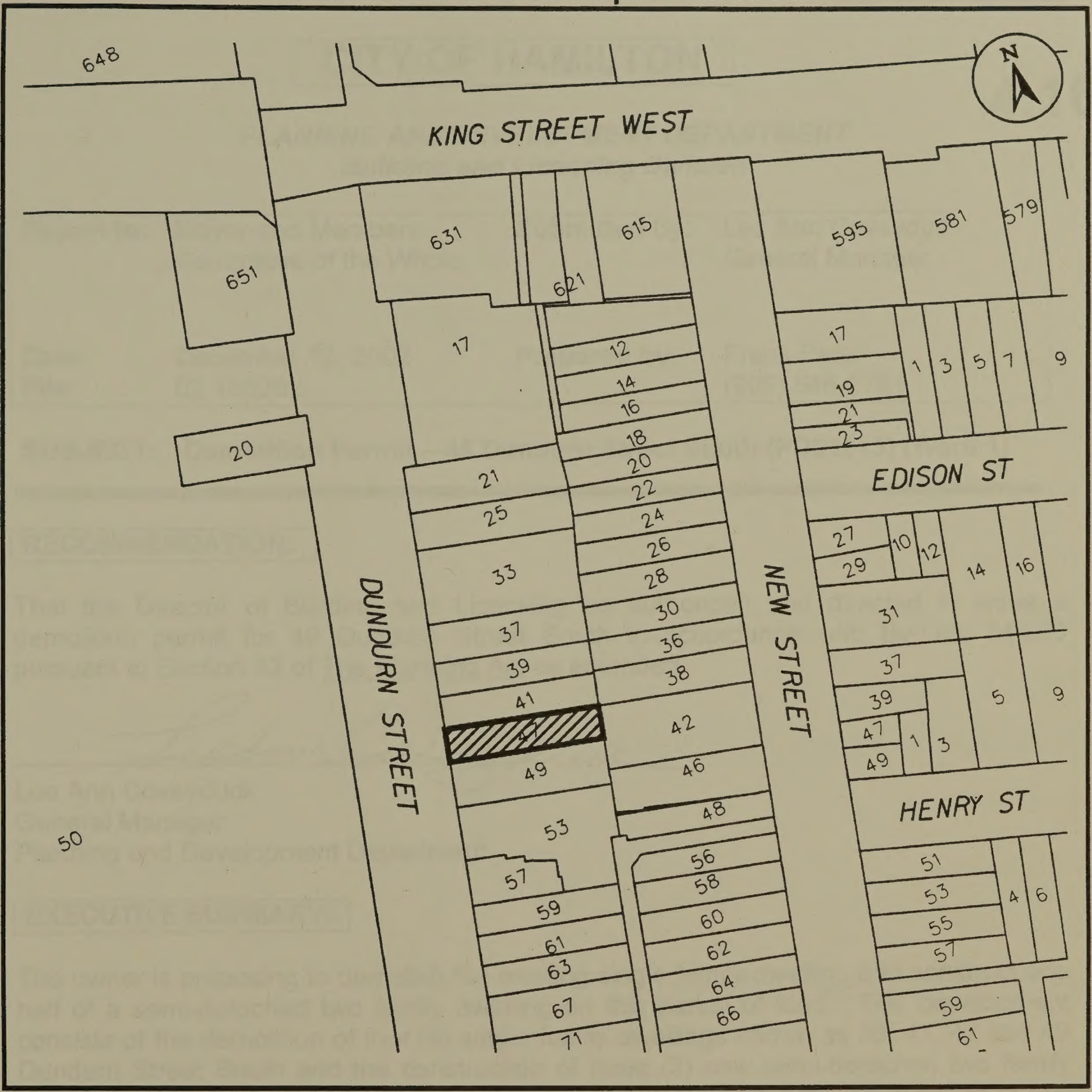
N/A

CITY STRATEGIC COMMITMENT:

The replacement of the dwelling is consistent with the goals of Vision 2020, as the redevelopment will minimize environmental, social, and financial costs of new development to the residents of the City of Hamilton. Redevelopment will also curb urban sprawl and suburban encroachment onto rural and agricultural lands.

:FP
Attach. (1)

Attachment 'A' to Report PD03012



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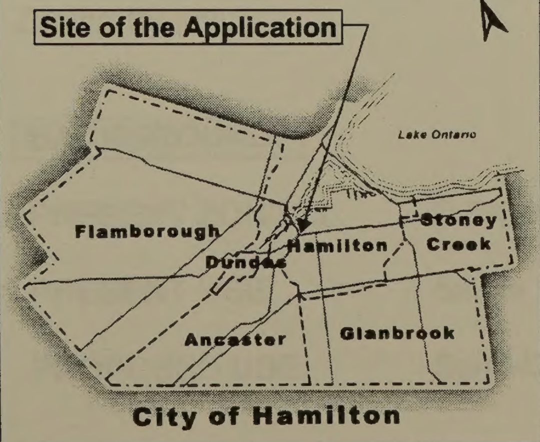


Site of the Application
N
Lake Ontario
Flamborough
Dundas
Hamilton
Stoney Creek
Ancaster
Glanbrook
City of Hamilton

PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

▨ **Subject Property**
47 Dundurn Street South

Filename/number
PD03012

Date
December 9, 2002

Technician:
MC

Map Not to Scale

Appendix "A"

AFFECTS
WARD 1

CITY OF HAMILTON

4.16

PLANNING AND DEVELOPMENT DEPARTMENT
Building and Licensing Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by**:	Lee Ann Coveyduc General Manager
Date: **File:**	December 13, 2002 02 196282	**Prepared by:**	Frank Peter (905) 546-2781

SUBJECT: **Demolition Permit – 49 Dundurn Street South (PD03013) (Ward 1)**

RECOMMENDATION:

That the Director of Building and Licensing be authorized and directed to issue a demolition permit for 49 Dundurn Street South in accordance with By-Law 74-209 pursuant to Section 33 of The Planning Act as amended.

Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

The owner is proposing to demolish the existing single family dwelling and construct one half of a semi-detached two family dwelling on this parcel of land. This development consists of the demolition of four (4) single family dwellings known as 39, 41, 47 and 49 Dundurn Street South and the construction of three (3) new semi-detached two family dwellings. Committee of Adjustment decision A-02:235 permitted the construction of one half of a semi-detached two family dwelling on this parcel of land, with variances from the Zoning By-law.

BACKGROUND:

PRESENT ZONING:	D (Map W-22)
PRESENT USE:	Single Family Dwelling
PROPOSED USE:	Semi-Detached Two Family Dwelling

two family dwelling. This development consists of the demolition of four (4) single family dwellings known as 39, 41, 47 and 49 Dundurn Street South and the construction of three (3) new semi-detached two family dwellings. Committee of Adjustment decision A-02:235 permitted the construction of a one half of a semi-detached two family dwelling with variances from the Zoning By-law. These lands are in the Strathcona neighbourhood and are located in Ward 1. Please see attached location map shown as Attachment A to Report PD03013.

No LACAC interest. Lot size 10.67m x 35.89m

The owner of the property, as per the demolition permit application, is:

Michael Valvasori
15 Old Oaks Place
Ancaster, ON L9G 4W9

ANALYSIS OF ALTERNATIVES:

N/A

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial – N/A

Staffing – N/A

Legal – N/A

POLICIES AFFECTING PROPOSAL:

N/A

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

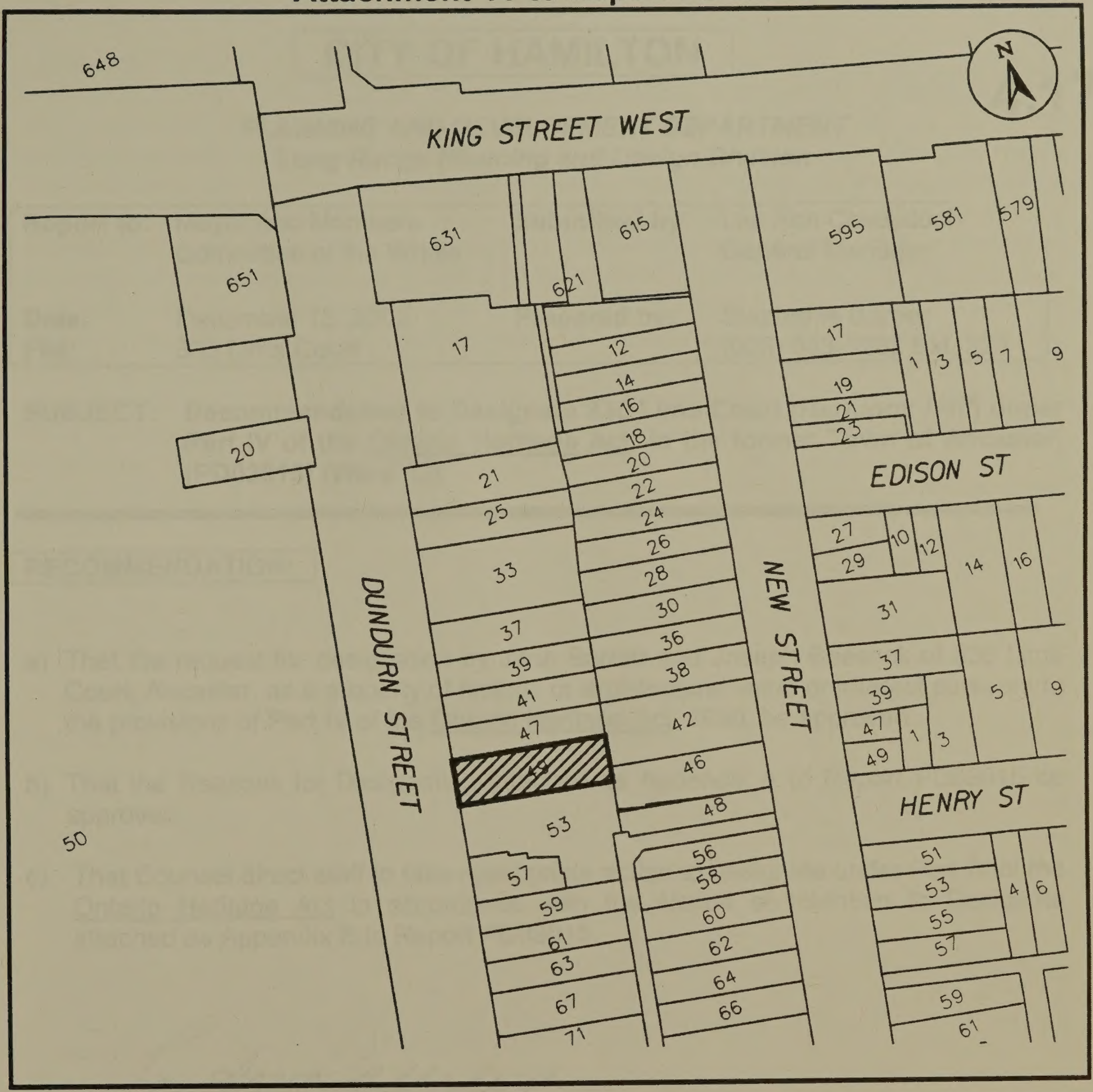
N/A

CITY STRATEGIC COMMITMENT:

The replacement of the dwelling is consistent with the goals of Vision 2020, as the redevelopment will minimize environmental, social, and financial costs of new development to the residents of the City of Hamilton. Redevelopment will also curb urban sprawl and suburban encroachment onto rural and agricultural lands.

:FP
Attach. (1)

Attachment 'A' to Report PD03013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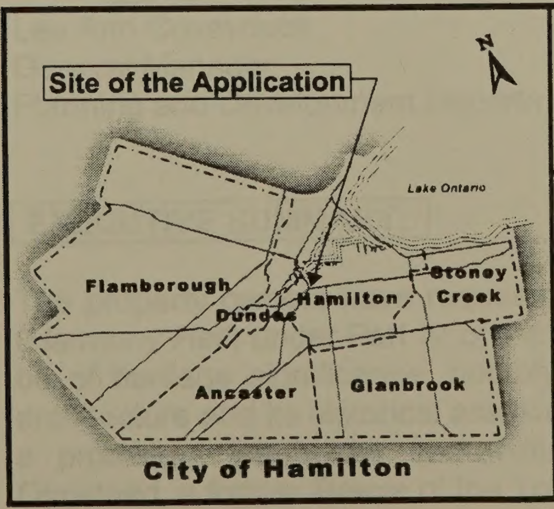

Site of the Application
N
Lake Ontario
Flamborough
Dundas
Hamilton
Stoney Creek
Ancaster
Glanbrook
City of Hamilton

PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

▨ **Subject Property**
49 Dundurn Street South

Hamilton

Filename/number
PD03013

Date
December 9, 2002

Technician:
MC

Map Not to Scale

Appendix "A"

AFFECTS
WARD 12

CITY OF HAMILTON

4.17

PLANNING AND DEVELOPMENT DEPARTMENT
Long Range Planning and Design Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Lee Ann Coveyduck General Manager
Date: **File:**	December 13, 2002 335 Lima Court	**Prepared by:**	Stephanie Barber (905) 643-1262 Ext. 220

SUBJECT: **Recommendation to Designate 335 Lima Court (*Harmony Hall*) under Part IV of the Ontario Heritage Act, in the former Town of Ancaster, (PD03015) (Ward 12)**

RECOMMENDATION:

a) That the request for designation by Jane Barrett and Joseph Beesack of 335 Lima Court, Ancaster, as a property of historic or architectural value or interest pursuant to the provisions of Part IV of the Ontario Heritage Act, 1990, be approved.

b) That the Reasons for Designation attached as Appendix A to Report PD03015 be approved.

c) That Counsel direct staff to take appropriate action to designate under Part IV of the Ontario Heritage Act in accordance with the Notice of Intention to Designate attached as Appendix B to Report PD03015.

Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

The property owners have requested a designation of their property at 335 Lima Court (*Harmony Hall*) under Part IV of the Ontario Heritage Act. The structure is considered to be of heritage significance, notably for its rural Georgian and Ontario Gothic Revival architecture and its historical association with its original owner and builder Israel Dawdy, a prominent landholder and military figure, and subsequent owner Samuel Nash Olmstead, a former Reeve of the Township.

BACKGROUND:

In August, 2000, Betty and Bryan Kerman made a request to have their property known as *Harmony Hall*, located at 335 Lima Court, Ancaster, designated under Part IV of the Ontario Heritage Act (see Location Map, Appendix C). The request was not dealt with at that time given the prospect of imminent amalgamation. Following the establishment of a new City of Hamilton LACAC in May 2001 LACAC was advised of this request at its meeting on August 16, 2001 (copy of letter attached as Appendix D). The Committee supported the request in principle and staff subsequently undertook a heritage assessment of the property. In August 2002, *Harmony Hall* was sold to Jane Barrett and Joseph Beesack, who have indicated in writing that they wish to continue the designation process.

Heritage attributes:

Physical context
Harmony Hall was originally situated in a rural setting and located on Lot 47, Concession 3. The present day 335 Lima Court now forms a .31 acre lot, surrounded by part of a modern residential development. Lot 47 originally comprised 200 acres. The immediate context of the house is well preserved with the presence of mature trees and plantings including a large Shagbark Hickory in the front yard. A wood fence with posts and finials borders the west and north sides of the property.

Historical context of the area
The former Town of Ancaster was established as a Euro-Canadian settlement area as early as 1789 when a number of families squatted in the area and started land clearance. In 1793 the first survey of Ancaster was undertaken and laid out in the "single front system" comprising 200 acre lots, 440 yards in width by one and a quarter miles in depth. The lots, bounded by Concession roads to the north and south, were broken by side roads every sixth lot west of Fiddler's Green Road, however there was no set pattern for lots east of Fiddler's Green Road. *Harmony Hall* occupies the eastern lot of five lots (Lots 43 to 47) between Fiddler's Green Road and Southcote Road.

Historical development, use and occupation of Harmony Hall (335 Lima Court)
The Crown Patent for the 200 acres of Lot 47 in the third concession was registered by Israel Dawdy on May 17, 1802. *Harmony Hall* was constructed between 1816 and 1819 by Israel Dawdy. It is not clear when *Harmony Hall* got its name. One story suggests that Dawdy named the house after Harmony, New Jersey, the home of a builder-friend. The other is that the house was named *Harmony Hall* during the mid-nineteenth century, in recognition of the Victorians' value of faith, personal respect and responsibility, as well as respect for nature, i.e. "in harmony with nature".

The construction of this substantial residence of brick in the early nineteenth century was a considerable challenge. Early settlers of modest means had few sources of building construction materials aside from those readily available to hand, namely timber and stone. The use of timber was a natural by-product of land clearance and agricultural settlement. Early Euro-Canadian settlers made use of timber either as simple "shanties", allowing quick and ready access to a rudimentary form of shelter or as more substantial log structures. These were often replaced in relatively short order with timber clad and timber frame structures or masonry where stone was easily won. Each required the skills of a carpenter or stonemason for their construction. Notable surviving examples of frame construction include the Tisdale House in Ancaster (*circa* 1807) and the Nash-Jackson House (*circa* 1809). Vernacular or polite examples stone construction are scattered throughout the municipality.

The use of brick was a far more complex affair than simply cutting trees or hauling stone. Brick is a manufactured product and demands a variety of conditions for production of sufficient quantities to build a shelter, let alone a substantial residence as with *Harmony Hall.* Prerequisites included a readily available source of suitable clay (preferably on the site of construction) and a production "crew" necessary for forming large quantities of units from moulds. Particularly importantly were skills in forming and firing a temporary kiln that would produce a constantly high temperature over a sustained period of time to produce consistently good quality masonry units from the unfired or "green" bricks. The kiln was located at the northwest corner of the current property line and the clay is thought to have been taken from the stream near Garner's Cemetery.

There are no known records or accounts of the building of *Harmony Hall* but the substantial two-and-a-half storey house, constructed of four wythes of brick was a considerable undertaking in such a relatively remote area. Accordingly, the *circa* 1816-19 *Harmony Hall* is considered to be historically significant and a rare and early surviving example of brick construction. Its value is somewhat diminished by the later architectural modifications.

Israel Dawdy

Dawdy was born in 1769 in New Jersey and came to Ontario by 1796. There is some indication that he may have come with the Books who lived in his home town in New Jersey. Dawdy settled in Ancaster by 1800. Israel was the son of James Dawdy who migrated from Germany to America, and then to Clinton Township in Canada after the Revolutionary War. Likely because of his status in the community as a major landholder, Dawdy was made ensign in the militia by 1805. By the beginning of the War of 1812, Dawdy had become a senior captain, but did not serve regularly until after the death of another officer in 1813. In 1814, Dawdy was part of a mutinous 1000-man battalion. They were forced to march from St. Catharine's to Lundy's Lane (Niagara Falls). When they arrived at the battlefield they refused to fight. Dawdy was nearly court martialed for deserting his regiment after the commanding officer was shot by one of his own men. The court martial was not held and Dawdy remained in the militia until 1824.

At one point, Dawdy became involved with the factionalism within the Methodist community over the degree of influence of American and British leadership-ultimately siding with Henry Hagle and the Ryanites against Peter Bowman in the now famous incident of the "sliding church". When the Ryanites were purged from the local church they decided to build another. Dawdy gave a grant of land where Garner's Cemetery (53 Highway and Southcote) is now. That church was immediately burned by its detractors and just as immediately rebuilt under the direction of a committee that included Dawdy. He was also one of fifteen original shareholders in the Union Mill Company, located within the Village of Ancaster.

Dawdy and his wife Anna lived at *Harmony Hall* and had no children. They were known to continuously quarrel and they eventually divided the house in two in order to stay separate from one another. The presence of an entrance at each end of the house may be a result of this division. In 1831, he sold one acre of land at the southeast corner of his property to the Zion Methodist Church (the current location of Garner's Cemetery). Dawdy died in November of 1851 at *Harmony Hall* and the farm was bequeathed to his brother Jeremiah's two sons, James and Caleb. In 1864, the executors of Israel Dawdy's estate sold *Harmony Hall* to Samuel Nash Olmstead.

Samuel Nash Olmstead

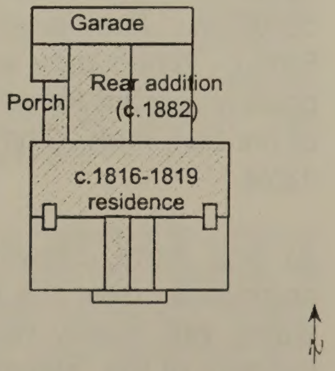
Olmstead was originally from Binbrook, was married to Sarah Ann Martin and became a Class Leader in the White Brick Methodist Church. He was a member of Ancaster Township Council from 1872-1876, Deputy Reeve in 1878 and Reeve in 1879. Olmstead died in 1881 and the farm was sold to John Hostein.

John and Frederick Hostein

John Hostein was born in 1825 in Alsace-Lorraine and migrated to Canada in 1842. He bought the northeast quarter of Lot 10 Concession 5 in Glanford Township in 1850, but lived on Lot 47 Concession 3. He married Mary Ann Smith in 1852 and lived at *Harmony Hall* until his death in 1902. Hostein's son Frederick took over the farm in 1902 and lived there with his wife and nine children. He was noteworthy as one of only seven automobile owners in Ancaster by 1911. Frederick Hostein lived at *Harmony Hall* until his death in 1936. One of Hostein's sons, also named Frederick, was living at *Harmony Hall* with his wife Alma in 1969. Also by 1969, the farmland of Lot 47 Concession 3 was incorporated into the Pinecrest Survey.

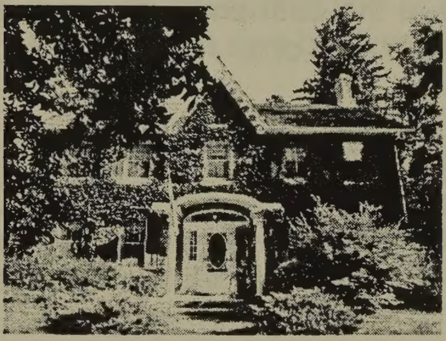
Historic value

The historic value of this house is primarily attributed to its association with local landholder and military figure, Israel Dawdy (1769-1851). Dawdy constructed *Harmony Hall* between 1816 and 1819, living there with his wife Anna until his death in 1851. *Harmony Hall* is also a rare surviving example of early nineteenth century brick construction.



Architecture

Constructed prior to Confederation between 1816 and 1819, *Harmony Hall* was originally designed in the Georgian style of architecture with a rectangular plan. It is two stories in height with a side gable roof. The front façade is symmetrical with five bays. (See footprint at right). There are two brick chimneys, one at each gable end. The walls are constructed with hand made brick, laid four wythes thick. A semi-elliptical transom is located above the door and the porch has a similarly shaped roof. Later additions, notably a rear wing, have resulted in a T-shape building plan. A central gable on the front façade and decorative wood vergeboard on all of the gables was introduced in the mid to late nineteenth century. These modified the appearance of the house to reflect the Gothic Revival influence.

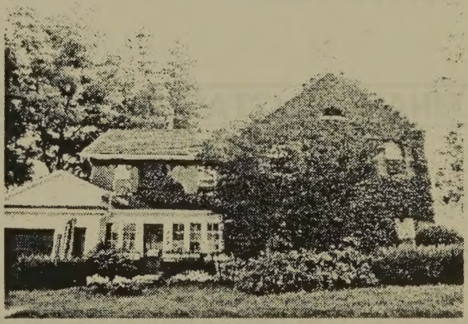


Front (South) Façade

The front façade has a central doorway with the original portico having a semi-elliptical shaped roof supported by Doric columns. The door has upper sidelights and a semi-elliptical transom with decorative muntins. A central gable with decorative vergeboard contains a round-headed louvered attic vent. There are nine rectangular windows, four on the first floor and five on the second. All of the windows contain the original 6/6 pane sashes, stone sills, brick voussoirs and the original wood shutters.

Side (West) Elevation

The west elevation comprises a side gable of the main house and a rear addition. Both the main house and the addition are two bays wide. The gable end contains a half-circle window, an interior brick chimney and is decorated with wood vergeboard. There are three rectangular windows with 6/6 pane sashes, vertical brick soldier coursing, stone sills and wood shutters. A converted window on the first floor at the southwest corner now contains a door. The west elevation of the rear addition consists of two second storey windows with 6/6 pane sashes, brick soldier coursing, stone sills and wood shutters. A large enclosed porch with a shed roof is attached to the main floor and has 4/4 sash windows and a wood door with window. A board and batten clad garage with a front gable roof is attached to the north side of the enclosed porch. It is estimated that the rear addition and frame garage were constructed between 1882-1902.



Side (East) Elevation

The east elevation is two bays wide and consists of the side gable with a half circle window in the gable end. There are two 6/6 sash windows on the second storey, one 6/6 sash window on the main floor and a doorway at the southeast corner.

Rear (North) Elevation
The rear elevation comprises the façade of the main house and the projecting tail. There is one 6/6 double hung window on the second storey of the main house façade. The projecting rear addition comprises a blind second storey. A frame board and batten garage, a later addition, has a horizontal window with two 8-pane lights. A door is located at the east end with a small square 4-pane window to the right of it.

Architectural value
Harmony Hall is of architectural value as a surviving example of pre-Confederation, rural, brick construction. It is noteworthy for its architectural evolution; originally having been designed in the Georgian style and subsequently incorporating Gothic Revival influences during the mid to late nineteenth century.

ANALYSIS OF ALTERNATIVES:

Not applicable.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial – not applicable.

Staffing – not applicable.

Legal – The designation process will follow the requirements of the Ontario Heritage Act and provide for adequate notice of Council's intention to designate the property to the owner and the Ontario Heritage Foundation. Formal objections may be made under the Ontario Heritage Act and heard before the Conservation Review Board and prior to Council approving the designating by-law.

POLICIES AFFECTING PROPOSAL:

Official Plan policies of the former Town of Ancaster support the conservation, protection and management of cultural heritage features. Designation of 335 Lima Court (*Harmony Hall*) will be in accordance with these policies.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Pursuant to subsection 29 (2) of the Ontario Heritage Act Council is required to consult with LACAC respecting designation of property under Subsection (1). At its meeting of November 21, 2002 the City of Hamilton LACAC considered this request for designation together with the staff report. LACAC recommended that Council designate the subject property and that staff be directed to take appropriate action in this regard.

CITY STRATEGIC COMMITMENT:

The designation of 335 Lima Court (*Harmony Hall*) will help to protect and enhance a valuable heritage resource and will therefore contribute to the Vision 2020 goal of preserving Hamilton's built and natural heritage.

:SB
Attachs. (5)

335 Lima Court

Harmony Hall

(Former Town of Ancaster)

REASONS FOR DESIGNATION

Historic Value

The historic value of this house is attributed to its association with local landholder and military figure, Israel Dawdy (1769-1851). Dawdy constructed *Harmony Hall* between 1816 and 1819, living there with his wife Anna until his death in 1851. *Harmony Hall* is also a rare surviving example of early nineteenth century brick construction.

Architectural Value

Harmony Hall is of architectural value as a surviving example of pre-Confederation, rural, brick construction. It is noteworthy for its architectural evolution; originally having been designed in the Georgian style and subsequently changed to Gothic Revival during the mid to late nineteenth century.

The Reasons for Designation apply to all elevations and the roof including all façades, entranceways, porches, windows and chimneys, together with construction materials of brick, wood and glazing, and building techniques as follows:

Front (South) Façade
The front façade has a central doorway with the original portico having a semi-elliptical shaped roof supported by Doric columns. The door has upper sidelights and a semi-elliptical transom with decorative muntins. A central gable with decorative vergeboard contains a round-headed louvered attic vent. There are nine rectangular windows, four on the first floor and five on the second. All of the windows contain the original 6/6 pane sashes, stone sills, brick voussoirs and the original wood shutters.

Side (West) Elevation
The west elevation comprises of the side gable and a rear addition. Both the main house and the addition are two bays wide. The gable end contains a half-circle window, an interior brick chimney and is decorated with wood vergeboard. There are three rectangular windows with 6/6 pane sashes, vertical brick soldier coursing, stone sills

and wood shutters. A window on the first floor at the southwest corner was converted into a door. The west elevation of the rear addition consists of two second storey windows with 6/6 pane sashes, brick soldier coursing, stone sills and wood shutters. A large enclosed porch with a shed roof is attached to the main floor and has 4/4 sash windows and a wood door with window. A board and batten clad garage with a front gable roof is attached to the north side of the enclosed porch. It is estimated that the rear addition and frame garage were constructed between 1882-1902.

Side (East) Elevation
The east elevation is two bays wide and consists of the side gable with a half circle window in the gable end. There are two 6/6 sash windows on the second storey, one 6/6 sash window on the main floor and a doorway at the southeast corner. This elevation is obscured by heavy mature vegetation.

Rear (North) Elevation
The rear elevation comprises the façade of the main house and the projecting tail. There is one 6/6 double hung window on the second storey of the main house façade. The projecting rear addition comprises a blind second storey. A frame board and batten garage, a later addition, has a horizontal window with two 8-pane lights. A door is located at the east end with a small square 4-pane window to the right of it.

CITY OF HAMILTON

NOTICE OF INTENTION TO DESIGNATE

Harmony Hall, 335 Lima Court (Former Town of Ancaster) City of Hamilton

IN THE MATTER OF THE ONTARIO HERITAGE ACT and the property in the City of Hamilton known municipally as 335 Lima Court.

NOTICE IS HEREBY GIVEN that the City of Hamilton intends to designate this property as being a property of historic and architectural value. The historic value of this house is attributed to its historical association with its original owner and builder Israel Dawdy (1769-1851), a prominent landholder and military figure, and subsequent owner Samuel Nash Olmstead, a former Reeve of the Township.

Harmony Hall, constructed between 1816 and 1819, is of architectural value as a surviving example of pre-Confederation, rural, brick construction that was originally designed in the Georgian style and remodelled in the Ontario Gothic Revival style.

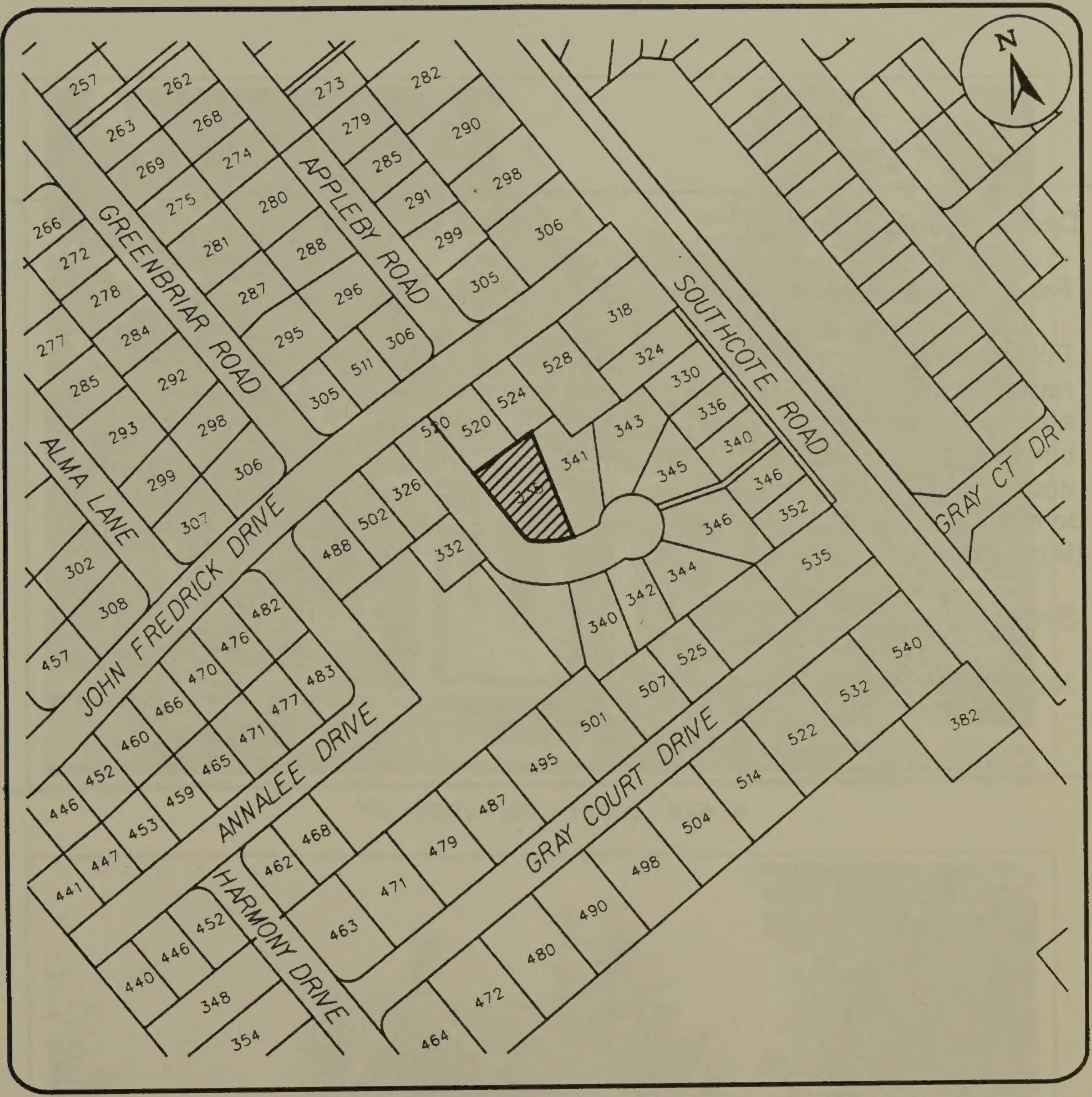
The complete Reasons for Designation may be viewed in the Office of the City Clerk, 2nd Floor, City Hall, 71 Main Street West, during regular business hours.

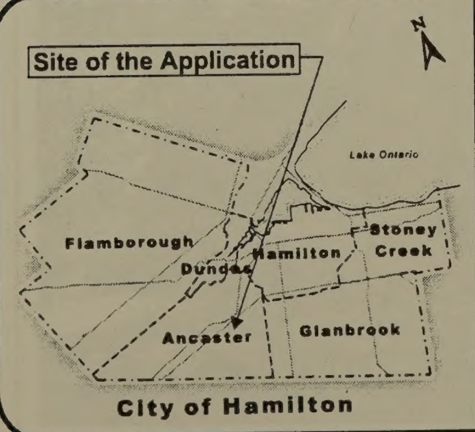
Any person may, within 30 days after the date of publication of this Notice, serve written notice of his or her objection to the proposed designation together with a statement for the objection and all relevant facts.

Dated at Hamilton, this day of , 2002.

K. Christenson
City Clerk
Hamilton, Ontario

Appendix C to Report PD03015
COW
January 14, 2003


N
GREENBRIAR ROAD
APPLEBY ROAD
SOUTHCOTE ROAD
GRAY CT DR
ALMA LANE
JOHN FREDRICK DRIVE
ANNALEE DRIVE
GRAY COURT DRIVE
HARMONY DRIVE
335


Site of the Application
N
Lake Ontario
Flamborough
Dundas
Hamilton
Stoney Creek
Ancaster
Glanbrook
City of Hamilton

CITY OF HAMILTON
PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

▨ **Subject Property**
335 Lima Court

Filename/number *335 Lima Court*
Date *July 10, 2002*
Technician: *NM*
Map Not to Scale
Appendix "C"

Appendix D to Report PD03015
COW
January 14, 2003

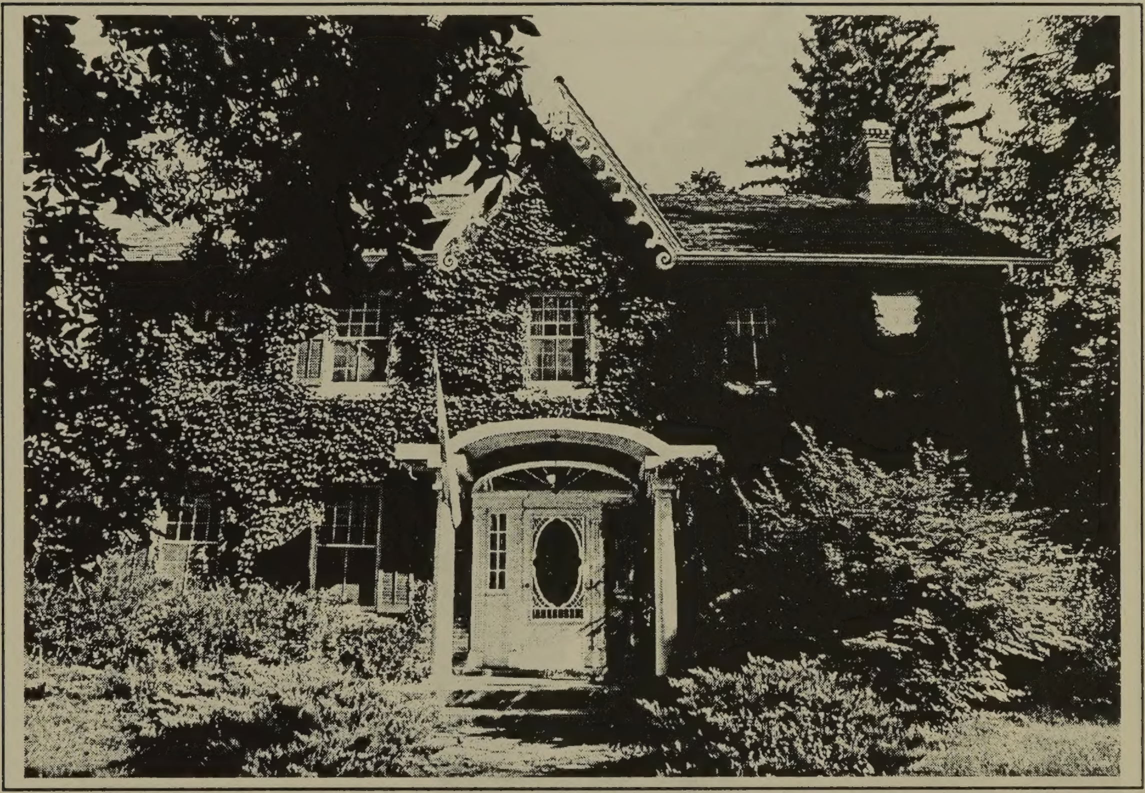
Dear Mr. David Cuming,

Re: Heritage Designation application for Harmony Hall, Ancaster, ON

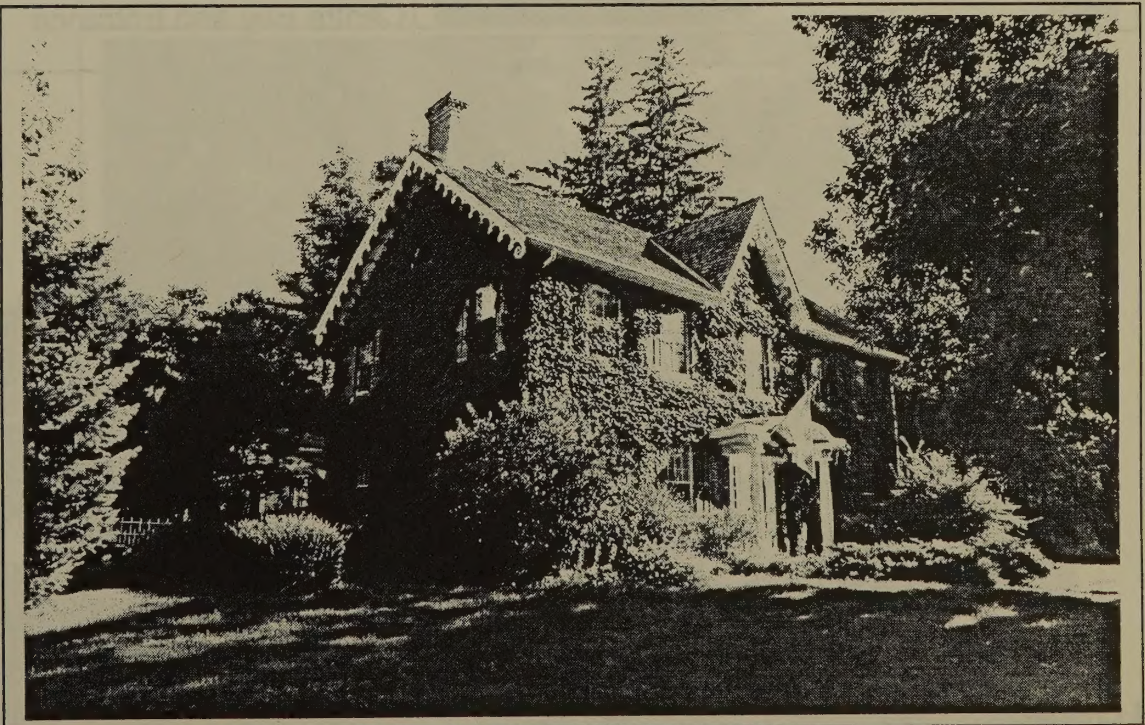
Following our telephone conversation today, I am writing this letter to request that the heritage designation (under the Ontario Heritage Act) application for Harmony Hall (335 Lima Court, Ancaster ON, L9G 3M8) be continued in our names: Mr. Joseph Beesack and Ms. Jane Barrett. We will obtain possession of this home on Aug. 30, 2002. Until this date we can be reached at (905) 525-9574 and our phone number at the new home will be (905) 304-5898.

Sincerely,

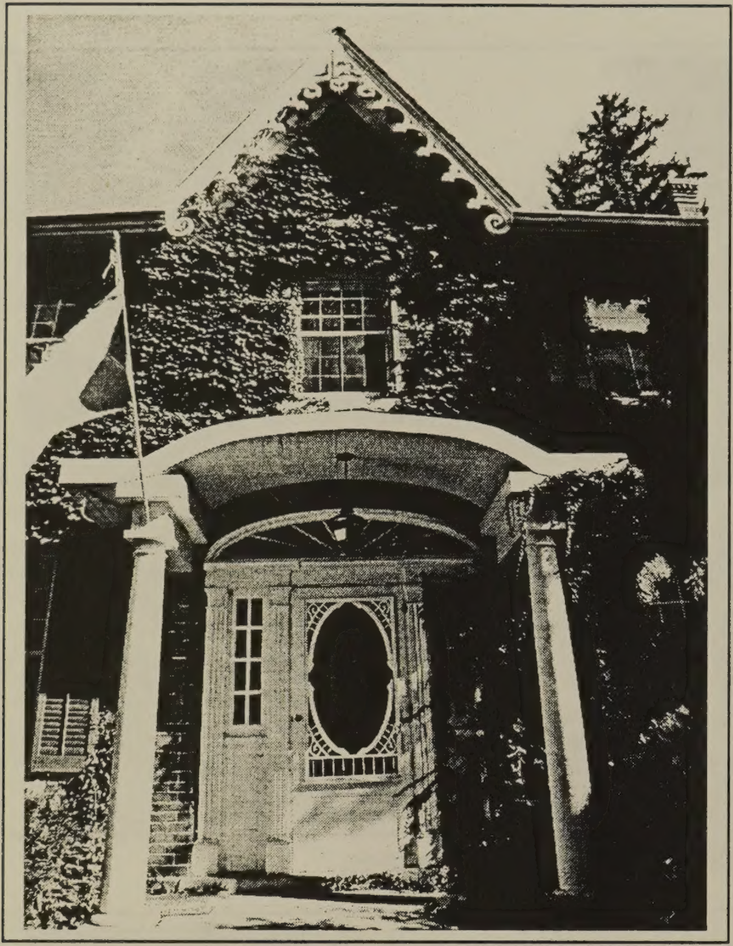
Jane Barrett and Joseph Beesack



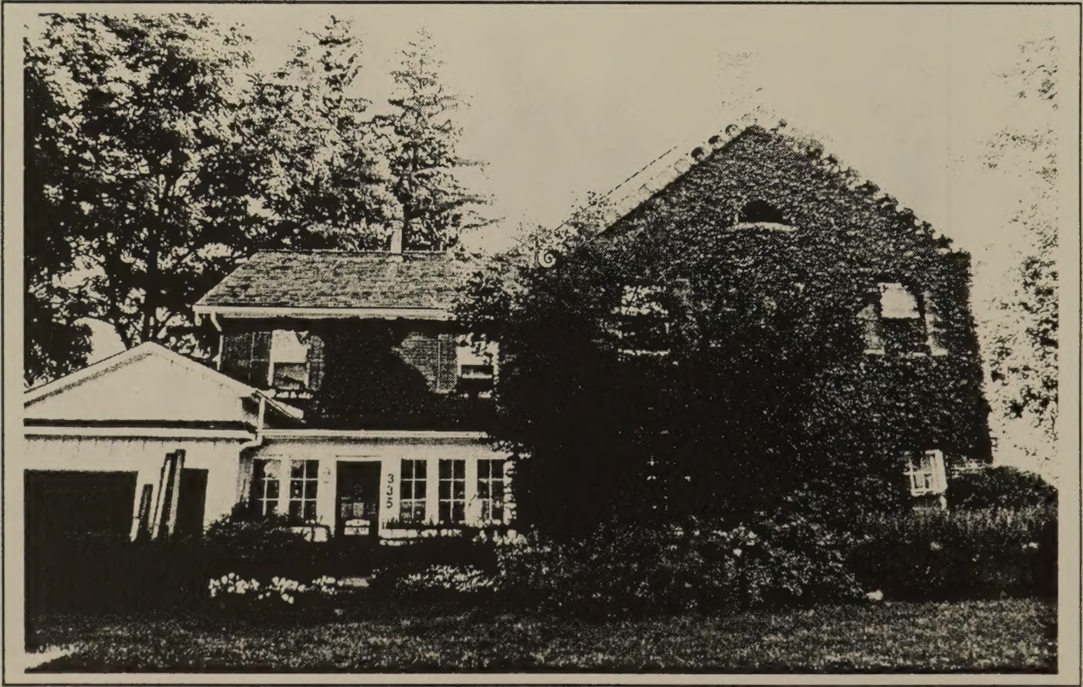
Harmony Hall – Front Façade



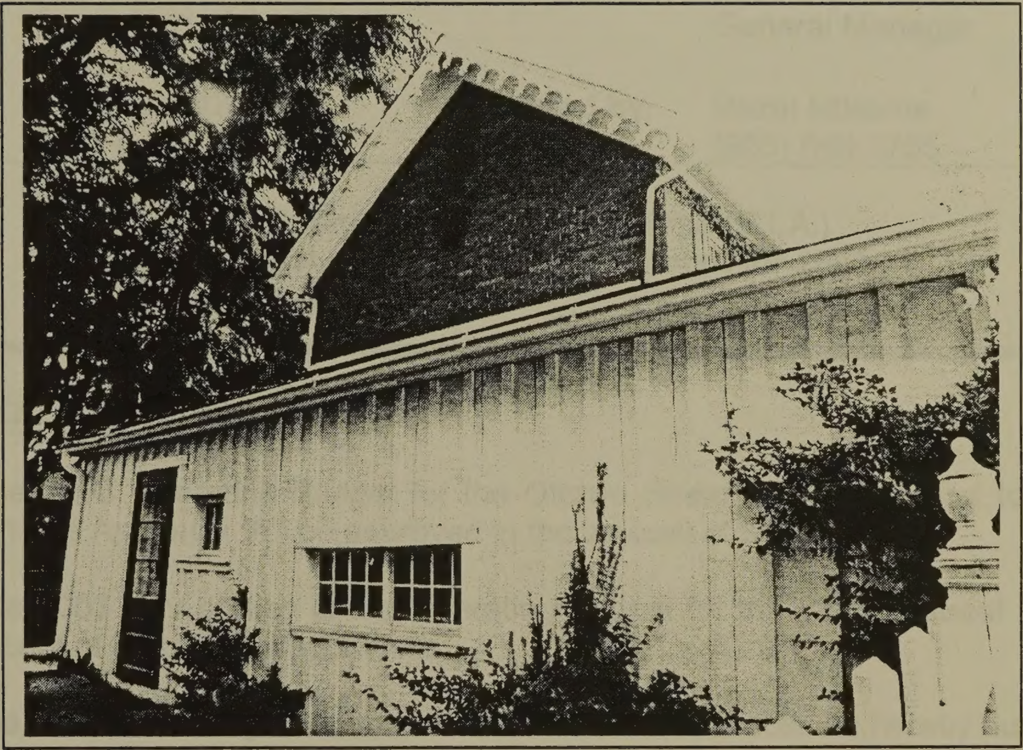
South and West Elevations



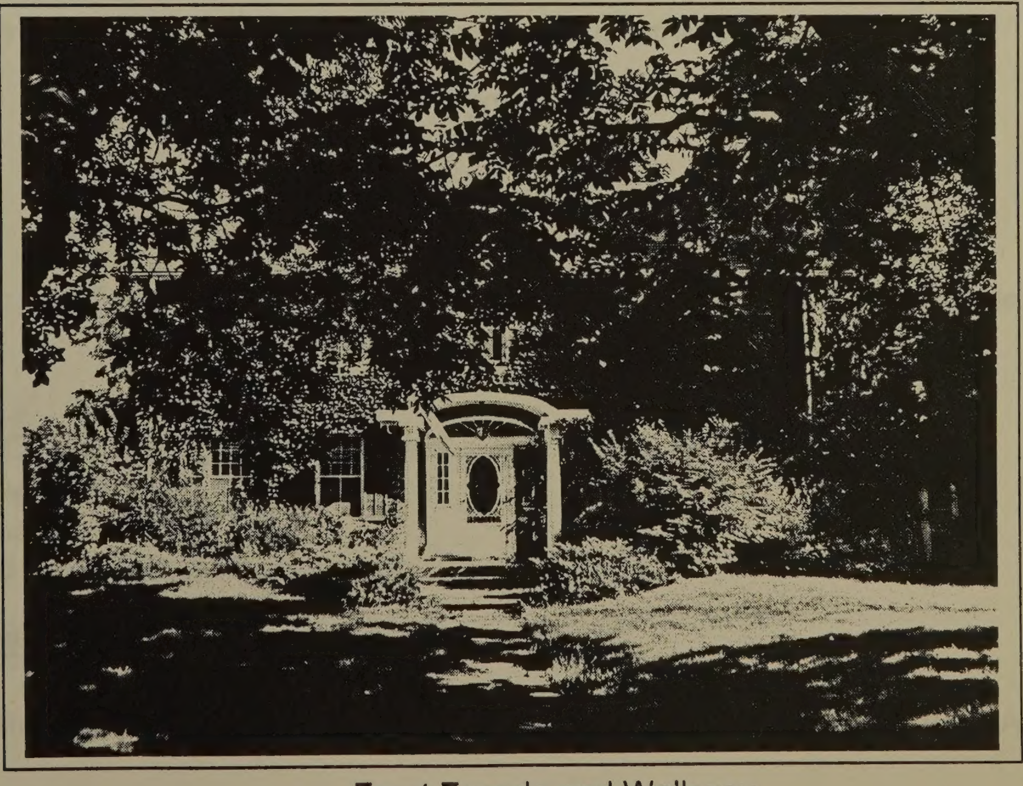
Centre Bay and Entrance



West Elevation



Rear (North) Elevation



Front Façade and Walkway

AFFECTS
WARDS 3 & 4

CITY OF HAMILTON

PLANNING AND DEVELOPMENT DEPARTMENT
Downtown Renewal Division

4.18

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Lee Ann Coveyduc General Manager
Date: **File:**	December 13, 2002 1001-6	**Prepared by:**	Hazel Milsome (905) 546-2755

SUBJECT: **Ottawa Street Business Improvement Area (B.I.A.) Proposed Budget and Schedule of Payment for 2003 (PD03018) (Wards 3 & 4)**

RECOMMENDATION:

(a) That the 2003 Operating Budget for the Ottawa Street B.I.A. (attached to Report PD03018 as Appendix 'A') be approved in the amount of $101,250;

(b) That the 2003 levy portion of the Operating Budget for the Ottawa Street B.I.A. in the amount of $93,250 be approved;

(c) That the General Manager of Finance and Corporate Services be hereby authorized and directed to prepare the requisite by-law pursuant to Section 220, The Municipal Act, R.S.O., 1990, to levy the 2003 Budget as referenced in sub-section (b) above;

(d) That the following schedule of payments for 2003 be approved:

January	$23,312.50
April	$23,312.50
July	$23,312.50
October	$23,312.50

Note: 2002 assessment appeals may be deducted from 2003 levy payments.

LeeAnn Coveyduck

Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

Approval of the 2003 Budget and schedule of payment for the Ottawa Street B.I.A.

BACKGROUND:

At its Annual General Meeting held on December 17, 2002, the Ottawa Street B.I.A.'s Board of Management presented its proposed budget for 2003. The process followed to adopt the Ottawa Street B.I.A.'s 2003 Budget was in accordance with the B.I.A.'s constitution.

ANALYSIS OF ALTERNATIVES:

Not applicable.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial – The $101,250 Operating Budget for the Ottawa Street B.I.A. is derived through the following:

*	Levying its members	$93,250
*	Balance brought forward from 2002	$ 8,000

There is no cost to the City of Hamilton for any part of this Operating Budget.

Staffing – There are no staffing implications.

Legal – The Municipal Act, Section 220, Sub-section (10) dictates that City Council must approve budgets of B.I.A.s.

POLICIES AFFECTING PROPOSAL:

Not applicable.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Not applicable.

CITY STRATEGIC COMMITMENT:

The initiatives of B.I.A.s' help create an attractive business district that extends to the local residents through the creation of a safer, cleaner and more aesthetically attractive district with positive results in the quality of life of its residents. Healthy business districts support neighbourhoods and healthy neighbourhoods support business districts. Economic health and healthy communities are important strategic objectives of the City.

c.c. John Bazinet, Chairman, Ottawa Street B.I.A.

OTTAWA STREET
BUSINESS IMPROVEMENT AREA
2003 BUDGET

Expenses:

Insurance	$ 2,100	**$2,100**

Meeting Expenses

Miscellaneous	$ 600	
Banquets and Awards Ceremonies	600	
OBIAA Membership and Conference	1,100	
Sub-Total	$ 2,300	**$2,300**

Office Expenses:

This includes new accounting software	$ 1,600	**$1,600**

Rent:

Rent	$ 1,500	**$1,500**

Parking:

Tags for Parking Meters	$ 1,000	**$1,000**

Professional Services:

Page by Page Consulting	$10,000	
Pigeon Relocation	3,000	
Streetfest Co-ordinator	2,500	
Bookkeeping	1,500	
Auditor’s Fees	750	
Web Site Enhancements	1,000	
Sub-Total	$18,750	**$18,750**

Special Events:

Streetfest 2001	$ 8,000	
Vacancy Open House	2,000	
Street Clean Up	1,000	
Sub-Total		**$11,000**

Beautification

Decorative Lighting Maintenance	$ 3,000	**$3,000**

Security

Security	$15,000	**$15,000**

Total Expenses	$101,250	**$101,250**

Income

Balance Carried Forward	$ 8,000	**$8,000**

Total BIA Levies		**$93,250**

SECTION 5

CITY WIDE IMPLICATIONS

CITY OF HAMILTON

CITY MANAGER'S OFFICE

5.1

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	R. Robertson City Manager
Date:	December 17, 2002	**Prepared by:**	R. Robertson

SUBJECT: **Commonweath Games: Phase II, International Bid (CM02-011) (City Wide)**

RECOMMENDATION:

1. That a one-time funding allocation of $350,000 be authorized from the 2003 Capital Budget to fund the City of Hamilton Commonwealth Games International Bid.

Robert W. Robertson

EXECUTIVE SUMMARY:

On June 12, 2002, Council directed staff to pursue a bid for the 2010 Commonwealth Games. The domestic bid phase budget was $300,000 from the City plus other monies and in-kind service from the private and public sectors.

The total cost of the International Bid phase is estimated at $1.4M to be split equally between the three levels of government and the private sector ($350,000 for each participant). To date the private sector and the Province of Ontario have committed their contributions. The federal government is in the process of making this commitment of $350,000 and an in-kind contribution of staff and other resources.

BACKGROUND:

The draft Commonwealth Games 2010 budget is $381M. In staff's view this is a responsible, reasonable budget based on the use of many existing facilities and conservative estimates on revenues.

The key sources of revenue are:

Public Sector	$250M
Private Sector	$ 55M
Other Sources	$ 76M

The key expenditures are:

Capital Sport Venues	$186M
Commonwealth Games Foundations	$ 40M
Operating Costs	$155M

The City will be involved in a three-way agreement to share the public sector portion of $250M. In both Victoria (1994) and Edmonton (1986) both British Columbia and Alberta provided approximately $100M to the Games. Staff suggest that this model remains appropriate and the benefits that could accrue include substantially facilities and some new facilities (ie. aquatic centre, and possibly a stadium.

In terms of context of the Manchester 2002 Games the following benefits were reported:

- Creation of more than 6100 FTE's jobs;
- Development and use of a Light Rail Transit public/private partnership linking many of the main facilities;
- Construction of a number of new facilities including a football stadium; aquatic centre; convention hall; and
- A cash surplus of approximately £20M

ANALYSIS OF ALTERNATIVES:

N/A

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Staff have included the $350,000 International Bid phase costs in the 2003 budgets.

POLICIES AFFECTING PROPOSAL:

N/A

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

City Finance staff, Events Specialists in Parks and Leisure Services as well as Economic Development were consulted and they support this recommendation.

CITY STRATEGIC COMMITMENT:

The opportunity to host the 2010 Commonweath Games aligns with the City of Hamilton's Vision, Mission, Values and Goals.

SECTION 6

SECTION 7

SECTION 8

SECTION 9

SECTION 10

CITY WIDE IMPLICATIONS

CITY OF HAMILTON

10.1

FINANCE AND CORPORATE SERVICES
Budgets and Fiscal Policy

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Joseph L. Rinaldo General Manager, Finance & Corporate Services
Date:	November 25, 2002	**Prepared by:**	Chris Felker 905-546-2567

SUBJECT: Royal Botanical Gardens Funding Formula (FCS03002) (City Wide)

RECOMMENDATION:

(a) That the recommended contribution level from the City of Hamilton to the Royal Botanical Gardens be based upon a blended cost-sharing formula with the Region of Halton, using unweighted assessment and households, and that the 2003 grant be based on 2002 approved budgeted grant levels for a combined grant from Hamilton and Halton of $1,020,070, with Hamilton's share being $524,220.

(b) That a one-time transitional grant of $100,000, for the Royal Botanical Gardens, in respect of the 2002 fiscal year, be reconfirmed and that this payment be financed from the Tax Stabilization Reserve.

Roberto Rossini for

Joseph L. Rinaldo
General Manager, Finance & Corporate Services

EXECUTIVE SUMMARY:

As directed by Council, staff have discussed a funding formula for the Royal Botanical Gardens (RBG) with the Region of Halton. A formula for sharing costs has been agreed upon, however, a disagreement remains over the amount of the total RBG grant for 2003. The blended calculation is based upon both unweighted assessment and the number of households in the City of Hamilton and the Region of Halton. As per Option 1 on Attachment One to FCS02136, the application of the formula results in a decrease of the City of Hamilton's contribution from the 2002 approved amount of $649,170, to $524,220, for an overall reduction of $124,950. As a result, the Region of Halton's funding level would increase to $495,850. The overall funding for the RBG would remain at the 2002 approved budget level of $1,020,070, which would represent a reduction of $100,000 in actual funding payments. As a transitional item, the actual 2002 grant payments to the

RBG would remain at 2001 levels as staff recommend a one-time payment of $100,000, to be funded from reserves. Staff from the Region of Halton have presented a similar report to their Council, but they do not agree with implementing, in 2003, the $100,000 grant reduction which City Council approved in 2002.

BACKGROUND:

During the 1980's and into the 1990's, the Region of Halton and the Region of Hamilton-Wentworth shared grant contributions to the RBG based on an assessment and population funding formula. Since 1993, as a response to the Province's Social Contract and Expenditure Control Plan, both Hamilton and Halton began to reduce their grants to the RBG. Attachment Two to FCS02136 provides a brief history of funding to the RBG.

In 2000 and 2001, the Region of Hamilton-Wentworth/City of Hamilton contributed $749,170 to the Royal Botanical Gardens. In 2002, the Region of Halton funded the RBG by $370,900. Hamilton City Council approved a $100,000 reduction to the funding, resulting in a grant to the RBG of $649,170 for 2002. The rationale behind the decrease was that the Region of Halton should be providing a higher contribution to the RBG based upon a return to an assessment based funding formula. The grant reduction was also in response to budget pressures facing the City.

During the budget deliberations in 2002, staff were directed to enter into discussions with the Region of Halton with respect to the funding of the Royal Botanical Gardens and to discuss the possible interim funding of the $100,000 cut. Report FCS02136 is the outcome of these discussions, which took place in October 2002.

On October 29, staff from the RBG made a presentation to Council during the Boards and Agencies Budget Information Session. During this presentation they indicated that they are requesting that their funding level remain at $649,170 per year, though they would prefer that the $100,000 cut in 2002 be re-instated on a permanent basis. The Region of Halton supports this position.

ANALYSIS OF ALTERNATIVES:

Rather than contributing an arbitrary amount of funding to the RBG each year, staff decided that a formula approach should be developed to ensure that there is substance behind the funding levels from the City of Hamilton and the Region of Halton.

The best option upon which to base a funding formula would be to calculate the benefit derived by either party from the RBG. For obvious reasons, this is too difficult to calculate. Alternatively, four types of information were used to create various funding scenarios. These were:

- Weighted Assessment
- Unweighted Assessment
- Population
- Number of Households

Based on discussions between Hamilton and Halton staff, a blended funding formula was agreed upon. This formula encompasses unweighted assessment and the number of households in both the City of Hamilton and the Region of Halton. This is based upon a formula weighting of 50% for each factor. This combines the area's ability to pay with the potential local usage of the tourist attraction. Both sets of data are based upon the 2001 assessment roll, used for 2002 taxation, which has been provided by the Municipal Property Assessment Corporation. The formula would be updated annually with a one-year lag. The second table in Attachment One to FCS02136 shows the blended funding formula.

The first table in Attachment One to FCS02136, provides the 2001 and 2002 funding levels to the RBG, including the recommended one-time funding of $100,000, and two funding options for 2003. The first option, recommended by staff, provides the RBG with funding based upon 2002 approved levels of $1,020,070. The reduction of $100,000 is included in this option with the rationale that the RBG would have had ample time to prepare for this reduction. The second option provides for $1,120,070 in funding to the RBG. The Region of Halton prefers option 2.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

As per Attachment One to FCS02136, the recommended contribution to the RBG for 2003 from the City of Hamilton is $524,220. This is a decrease of $124,950 from the funding level in 2002 of $649,170. With constant changing assessment and household data, this apportionment may fluctuate annually with a one-year time lag on the data received.

For 2002, as a transitional item, staff recommend that the City of Hamilton provide a one-time, $100,000 grant to the RBG to assist in alleviating any hardship due to the reduction of the grant during the 2002 budget process. This grant would be funded from the Tax Stabilization Reserve and charged to our 2002 fiscal year.

This report has no staffing or legal implications.

POLICIES AFFECTING PROPOSAL:

N/A

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

The analysis of funding alternatives for the Royal Botanical Gardens was discussed with Finance staff from the Region of Halton and the Royal Botanical Gardens.

CITY STRATEGIC COMMITMENT:

The Royal Botanical Gardens is a popular local tourist attraction, which strives to achieve international recognition for its botanical gardens. It promotes the Golden Horseshoe area, offers educational programming, aims to conserve the environment and its success provides economic benefit to the City.

CITY WIDE IMPLICATIONS

CITY OF HAMILTON

FINANCE AND CORPORATE SERVICES
Budgets and Fiscal Policy

10.2

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Joseph L. Rinaldo General Manager, Finance & Corporate Services
Date:	December 16, 2002	**Prepared by:**	Chris Felker 905-546-2567

SUBJECT: **2003 Advance Payments to External Boards and Agencies (FCS03006) (City Wide)**

RECOMMENDATION:

That, commencing January 1, 2003, the external boards and agencies as shown in Table One, which receive annual City funding, be advanced their funds at the same level and according to the same payment schedule as in 2002, pending the approval of the 2003 budget.

Roberto Rossini for

Joseph L. Rinaldo
General Manager, Finance & Corporate Services

EXECUTIVE SUMMARY:

Council approval is requested in order to continue funding from January 1, 2003, the external boards and agencies, as outlined in Table One to FCS03006. The payments would be based upon 2002 approved funding levels and would adhere to the same payment schedule as the 2002 payments. Pending the timing of Council approval of the 2003 budgeted funding levels, the remaining payments to the listed external boards and agencies would be adjusted to ensure that payments do not exceed approved levels for 2003.

During the Boards and Agencies budget presentations on October 29, 2002, a delegation from the Art Gallery of Hamilton presented their 2003 budget request. One of the requests from the Art Gallery was that rather than receiving one advance payment in March, which would represent the monthly payments from January to March, they would like to receive monthly payments commencing in January. This is being requested for 2003, however, due to the timing of this report, the first payment in January will not be received at the beginning of the month.

On September 11, 2002, Council approved report FCS02107 as recommended by the Community Trust Panel. This report recommended transitional funding for the Art Gallery in the amount of $1,500,000 to be paid in 2002, 2003 and 2004. The payment for 2002 has already been provided. Table One recommends a payment schedule for 2003 funding.

TABLE ONE
ORGANIZATIONS REQUIRING ADVANCE PAYMENTS

Outside Boards and Agencies	Advance Payment Schedule	Number of payments each year	2002 Approved Annual Budget	2003 Advance Payment Amount
Hamilton Conservation Authority	February 28, 2003 April 30, 2003	4	$2,414,410	$603,602
HCA – Confederation Park	February 28, 2003 April 30, 2003	4	$341,570	$85,392
HCA – Westfield Heritage Centre	February 28, 2003 April 30, 2003	4	$355,090	$88,772
Niagara Peninsula C.A.	March 15, 2003 May 2, 2003	4	$109,240	$27,310
Grand River C.A.	April 30, 2003	3	$145,940	$48,646
Art Gallery of Hamilton	First of the month	12	$440,330	$36,694
Art Gallery of Hamilton	Beginning of the quarter	4	$500,000	$125,000

In the past, recipients of Community Grants have also received advance payments in March pending Council approval. These advances are usually requested in January and represent the monthly payments from January to March of that year. The request for these advance payments will be forwarded to Council from the Grants Sub-Committee in 2003.

BACKGROUND:

To be consistent with prior years, staff are seeking Council approval to continue funding, as of January 1st, certain organizations that receive funding on a monthly or quarterly basis, pending approval of the 2003 budget. The funding is based on the previous year's budget and is adjusted, if necessary, when the current year's budget receives Council approval.

ANALYSIS OF ALTERNATIVES:

N/A

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

There are no financial implications associated with providing advance payments to the listed external boards and agencies as listed above. Pending Council approval of 2003 funding levels, the remaining payments to these organizations would be adjusted to ensure that the payment amount does not exceed the approved funding level.

POLICIES AFFECTING PROPOSAL:

N/A

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

N/A

CITY STRATEGIC COMMITMENT:

The external boards and agencies provide a variety of services that benefit the City of Hamilton.

CITY WIDE
IMPLICATIONS

CITY OF HAMILTON

10.3

FINANCE & CORPORATE SERVICES
Budget & Fiscal Policy Services

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Joseph L. Rinaldo, General Manager
Date:	December 20, 2002	**Prepared by:**	John Di Battista 546-4371 Linda Cooper 546-3340

SUBJECT: **One-Time Funding of Fire Vehicle Replacement Reserve Shortfall (FCS03005) (City Wide)**

RECOMMENDATION:

1. That the Fire Vehicle Replacement Reserve deficit of $1,778,280 be funded from the segregated municipal capital reserves and development charge reserves as outlined in Appendix "A"
2. That the projected increase in the Fire Vehicle Reserve Contribution from $672,600 to $1,000,000 be reviewed as part of the 2003 Budget Process.

Joseph L. Rinaldo, General Manager
Finance & Corporate Services

EXECUTIVE SUMMARY:

The purpose of this report is to request inter-reserve transfers to fund a $1,778,280 shortfall in the fire vehicle replacement reserve. Since Fire Services are area rated, it is being recommended that the shortfall be funded from the segregated area municipal capital reserves and the area municipal development charge reserves. The allocation of the fire reserve shortfall between the reserves is based on the 2003 replacement costs of the vehicles stationed at the former municipalities. Appendix A shows the replacement costs and the allocation among the former area municipalities.

BACKGROUND:

The Hamilton Emergency Services 3 year Master Plan (2002-2004) identified the need for an $1.9 million annual reserve contribution in order to maintain the long term replacement value of its existing amalgamated fleet and to ensure a sustainable reserve balance. This has been revised to $1.6 million based on the updated apparatus replacement schedule. (Appendix B)

Currently, the annual contribution is $672,600, which is the amount contributed annually by the former City of Hamilton. A number of former municipalities did not maintain a fire apparatus replacement reserve and purchased their vehicles through the annual capital budget, while others had their annual contributions eliminated in the 2001-operating budget. Therefore, there was no base transfer available to be used for future replacement of the amalgamated fleet.

The reserve transfer was maintained at $672,600 until a post amalgamation review of the fire fleet requirements was completed. The review resulted in the reduction of 27 vehicles, reducing the number to 111 from 138, and thus eliminating the provision for their replacement.

Fire vehicles were still being replaced or needed to be replaced while the review was being conducted and the $672,600 contribution was not sufficient to fund the 2001 & 2002 costs, thus the reserve went into a $1,778,280 negative balance.

ANALYSIS OF ALTERNATIVES:

Two alternatives were reviewed in dealing with the overdraft and maintaining a sustainable reserve balance.

1. Reduce the deficit over time by increasing the reserve contribution to a sustainable level of $2,000,000 a year over a four-year period.

2. Eliminate the deficit with one-time infusion of $1,778,280 from other reserves and increase the annual contribution to a sustainable level of $1,600,000 a year by 2006. (Appendix B)

Staff is recommending option 2 because the annual sustainable reserve contribution level would be $1,600,000 compared to $2,000,000 for Option 1, thus lowering overall costs in the long-term.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Alternative 2 results in future annual savings of $400,000 a year but would require a $1,778,280 reduction to the overall City Reserves.

It is being recommended that the reserve shortfall of $1,778,280 be funded from the following reserves:

108035-Former Hamilton Capital Reserve		621,890
108030-Former Ancaster Capital Reserve		108,760
108032 Former Flamborough Capital Reserve		523,110
108033 Former Glanbrook Capital Reserve		218,790
114002 Dundas Fire Development Charges	*	49,450
115342-Flamborough Fire Development Charges	*	60,000
117028-Stoney Creek Fire Development Charges	*	196,280
		1,778,280

* Represents funding shortfall for the purchase of two new Pumper Tankers.
One for Stoney Creek Station & One for Waterdown Station

Appendix A provides the detail of how the funding from the reserves was derived.

POLICIES AFFECTING PROPOSAL:

Not Applicable

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Fire Section of the Emergency Services Department.

CITY STRATEGIC COMMITMENT:

Not Applicable

Recommended Funding Source of Fire Vehicle Reserve Shortfall of $1,778,280

Funding Source :

108035-Former Hamilton Capital Reserve		621,890
108030-Former Ancaster Capital Reserve		108,760
108032 Former Flamborough Capital Reserve		523,110
108033 Former Glanbrook Capital Reserve		218,790
114002 Dundas Fire Development Charges	*	49,450
115342-Flamborough Fire Development Charges	*	60,000
117028-Stoney Creek Fire Development Charges	*	196,280
		1,778,280

* Represents funding shortfall for the purchase of two new Pumper Tankers. One for Stoney Creek Station & One for Waterdown Station

Calculation of Funding Shortfall based on Fire Apparatus distribution by Former Municipality

		# Of Vehicles	Replacement Cost as of 2003	Re-allocate Spare Apparatus	Revised Municipal Allocation	Deficit Fire Reserves Former Municipalities Dec 31, 2000	Allocate Shortfall based on Municipal Allocation & Deficit
Apparatus by Former Municipalities			a	d=a/b*c	e=a+d	g	i=e/f*(j-h)+g
Hamilton		30	13,423,700	2,412,200	15,835,900	-	621,890
Ancaster		9	2,347,700	421,900	2,769,600	-	108,760
Dundas		8	1,067,300	191,800	1,259,100	-	49,450
Flamborough		19	7,909,100	1,421,200	9,330,300	216,700	583,110
Glanbrook		11	4,722,600	848,600	5,571,200	-	218,790
Stoney Creek		12	3,545,700	637,100	4,182,800	32,020	196,280
Sub-Total		**89**	**33,016,100** b	**5,932,800**	**38,948,900** f	**248,720** h	**1,778,280** j
Corporate & Spare Apparatus to be re-allocated among Former Municipalities							
Administration		5	135,500				
Spare Apparatus	*	12	5,591,000				
Training Facility		5	206,300				
Sub-Total		**22**	**5,932,800** c				
Total		**111**	**38,948,900**				

* The Spare Apparatus can be stored at any station based on need.

APPENDIX B TO REPORT FCS03005

NEW CITY OF HAMILTON RESERVE FORECAST

Reserve Number: 110021 **110021**
Reserve Name: **Vehicle Replacement - Fire**

Projection

	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Opening Balance	-476,948	0	416,429	134,548	405,663	1,187,243	1,171,567	1,700,290	-42,344	608,376	343,171
Transfers To Reserve (Add)	672,600	1,000,000	1,400,000	1,500,000	1,600,000	1,600,000	1,600,000	1,600,000	1,600,000	1,600,000	1,600,000
Interest Earned	0	12,129	3,919	11,815	34,580	34,123	49,523	-1,233	17,720	9,995	-16,774
From 7400051303	14,078										
From 7400051001	88,000										
One time Reserve Transfer	1,778,280										
Sub-Total - To Reserves	2,076,010	1,012,129	1,820,348	1,646,363	2,040,243	2,821,367	2,821,090	3,299,056	1,575,376	2,218,371	1,926,397
Apparatus Purchases	238,000	595,700	1,685,800	1,240,700	853,000	1,649,800	1,120,800	3,341,400	967,000	1,875,200	2,502,300
Purchases-2001 Apparatus	1,838,010										
Sub-Total - From Reserves	2,076,010	595,700	1,685,800	1,240,700	853,000	1,649,800	1,120,800	3,341,400	967,000	1,875,200	2,502,300
Ending Balance - Dec 31	0	416,429	134,548	405,663	1,187,243	1,171,567	1,700,290	-42,344	608,376	343,171	-575,903

CITY WIDE IMPLICATIONS

10.4

CITY OF HAMILTON

FINANCE AND CORPORATE SERVICES
Information Technology Services

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Joseph L. Rinaldo General Manager
Date:	December 15, 2002	**Prepared by:**	Christine Swenor 905-546-4562

SUBJECT: **Award of IP Telephony Contract – RFP #C6-14-02 (FCS03007) (City Wide)**

RECOMMENDATION:

a) That Information Technology Services be authorized to award Proposal C6-14-02 for an IP Telephony Solution & Data Infrastructure Upgrade to Bell Canada.

b) That the Mayor and City Clerk be authorized to execute the necessary documents in a form satisfactory to the City Counsel.

c) That Information Technology Services be authorized to reduce the Direct In Dial numbers to a total of 300, with allocation as defined in the report.

d) That Council approve a total capital authority for the IP Telephony project of $6.8M inclusive of contingency planning and disaster recovery and that it be funded as follows:

   i) transfer of $1,250,000 from the Phase II Customer Contact Centre project; and
   ii) transfer of $3,000,000 from the Enterprise Reserve Fund; and
   iii) transfer of $ 625,000 from Transition Reserves; and
   iv) transfer of $1,925,000 from the General Tax Capital Reserve

Joseph L. Rinaldo, General Manager
Corporate Services

EXECUTIVE SUMMARY:

A Request for Proposals for *IP Telephony Solution and Data Infrastructure Upgrade* was issued on October 11, 2002 and closed on November 8, 2002. Representatives from 13 vendors attended a mandatory bidders' conference on October 18th.

Bell Canada in partnership with Cisco Systems submitted the sole proposal. Their proposal satisfies the mandatory requirements specified in the RFP and meets the objectives of the project. An information report (FCS02142) was submitted to Committee of the Whole December 10, 2002 indicating that Information Technology Services staff were working on a detailed evaluation of the proposal and would begin a series of meetings with Bell Canada to resolve contract terms and pricing.

The result of this analysis verifies that the cost to implement IP Telephony aligns with the original business case presented to Council in July of 2002. The capital costs would be approximately $6.8 M with annual operating savings of $1.8M.

With Council's approval, the project would commence in early February 2003 and be completed in October 2003.

An analysis of the City of Hamilton Direct In Dial (DID) needs has revealed that the number of lines could be reduced from 3800 to approximately 300. This reduction will contribute $168,000 to the annual operating savings of IP Telephony.

Police Services would continue using the existing Centrex voice system until the end of 2004 when the Bell contract expires. Options for voice service delivery beyond 2004 will be reviewed with Police Services staff prior to contract expiry.

BACKGROUND:

IP Telephony is a technology that combines voice and data communications into one converged network using industry standard protocols. Information Technology Services have been studying this technology and its use in the City for well over a year. Organizations (such as Sheridan College, KPMG and Algonquin College) which had successfully implemented the technology were investigated. Site visits to the City of Mississauga and the University of Guelph allowed staff to witness IP telephony in a production environment and to validate the reliability of the technology.

At present, the City spends $2.8M annually on voice communication services. The original business case, developed in early 2002, projected that the total cost of voice communications over a 7-year period using IP Telephony would be approximately $14.4M. Without IP Telephony, the city will spend approximately $20M over the same 7-year period.

On July 10, 2002, Council approved the transition of the City's telephone system from Centrex to IP Telephony and authorized the issuance of an RFP for IP Telephony equipment and installation services. Graycom Analysis, an experienced consulting firm in the field of telecommunications was engaged to assist in the development of the RFP at a cost of $23,000.

A single proposal was received from Bell Canada in partnership with Cisco Systems. An information report (FCS02142) was submitted to Committee of the Whole December 10, 2002 indicating that Information Technology Services staff were working on a detailed evaluation of the proposal and would begin a series of meetings with Bell Canada to deal with contract terms and pricing.

The Bell Canada proposal satisfies the mandatory requirements and offers a contract term of 5 years with maintenance services included and with an option to extend for a further 2 years.

The proposal received from Bell provides many additional features and improved backup at a total cost of $14.3 million over a 7-year period. These costs are allocated between capital and operating as follows (all costs include applicable taxes):

	Status Quo	**Proposal**
Capital	$ 400,000	$ 6,800,000
Operating	$ 19,600,000	$ 7,634,735
Total	**$ 20,000,000**	**$ 14,434,735**

Note: Operating costs include long distance charges which are not affected by IP Telephony.

The capital investment for this project will be recovered in 3.78 years based on average annual operating savings of approximately $1.8M.

Direct In Dial (DID) Lines

At present, the City has approximately 3800 Direct In Dial numbers. DID lines allow the public to call City staff directly with a 10-digit number (e.g. 905-546-1234). Reducing the number of these lines will contribute to the annual savings of IP Telephony.

Meetings were held with staff from all divisions to determine the need for DID lines throughout the City. The following criteria were used to select those lines that will continue to require Direct In Dial functionality:

- All numbers currently listed in blue pages, yellow pages and white pages of the phone book.
- All elected officials and their Administrative Assistants.
- Members of Corporate Management Team and their Administrative Assistants.

It was determined that the City could reduce its 3800 DIDs lines to approximately 300. These lines would be retained and transitioned to IP Telephony during the implementation in 2003. If these reductions were applied, the public would still be able to dial frequently called numbers such as the Contact Centre, Mayor, Councillors, general inquiry numbers and any number published in the blue pages of the phone book. For the remaining City numbers, callers would be greeted by an automated attendant and would reach City staff by dialling the person's 4-digit extension. (See Appendix A for a detailed list of the DID lines to be retained.)

Reducing DID lines to 300 would provide a savings of $1.17M over 7 years with minimal effect on service to the public.

Contact Centre

Bell's proposal includes several enhancements to the contact centre including:

- Interactive Voice Recognition
- Intelligent Call Routing
- Automated Call Distribution improvements
- Consolidated reporting
- Flexible, City-wide call queuing and handling

These enhancements will be implemented as part of the project.

Staff Training

The Bell proposal includes training for 4000 City staff in the use of new phone equipment.

Summary of IP Telephony Benefits

The key benefits to the City of implementing IP Telephony are significant:

- Lower costs – The implementation of the Telephony project will result in cost savings of approximately $5,565,265 over a 7-year period as opposed to the current costs of the City's telephone service..
- FibreWired Investment - The implementation of IP Telephony will leverage the City's investment in the FibreWired data network to provide voice services.
- Moves, Adds & Changes – Tasks associated with telephone moves, adds and changes will be eliminated or simplified, resulting in significant savings and more rapid and efficient staff relocations.
- Consistent dial plan – IP Telephony will provide 4-digit dialling to City staff on the system.
- Consistent services – IP Telephony will resolve current problems and provide consistent voice services to City staff.
- Integrated voice & data network – The City will have one network infrastructure for voice and data, thereby enabling new applications and services. Building an integrated, high-performance network is a pre-requisite for computing services of the future.
- Value-added services – Unified messaging will allow staff to better manage both voicemail and email.

- Customer Contact Centre enhancements - IP Telephony's infrastructure is key to providing enhanced Contact Centre services. This project will allow those enhanced services to be better integrated with other City services.

ANALYSIS OF ALTERNATIVES:

IP Telephony Alternatives

1. **Status Quo.**
   The City would maintain all voice services under the existing Bell Centrex contract. An RFP would be issued for new voice services when the contract expires at the end of 2004.

   Disadvantages of the Centrex system would remain and immediate operational savings would not be realized. In addition, citizens and staff would not receive the functional benefits provided by IP Telephony.

   This alternative is not recommended.

2. **Implement IP Telephony in 2003.**
   Proceed with awarding of contract as described in this report.

   This alternative is recommended.

DID Alternatives

The following alternatives address Direct In Dial numbers retained in the implementation of IP Telephony. DID numbers allow the public to call City staff directly with a 10-digit number (e.g. 905-546-1234).

1. **Maintain all DID numbers.**
   If all of these DID numbers remain as-is after the implementation of IP Telephony, costs savings will be reduced by about $168,000 per year.

   This alternative is not recommended.

2. **Reduce to 300 DID numbers**
   With the implementation of IP Telephony the City could reduce the number of DID numbers to approximately 300 resulting in savings of $1.17M over 7 years.

   This alternative is recommended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial

Implementation of IP Telephony for the City will require a capital investment of approximately $6.8M inclusive of taxes (refer Table 1).

TABLE 1

Final Bell Proposal (Dec 13, 2002)			
Data Infrastructure	$	1,827,339	
IP Telephony	$	3,740,622	
IP Tel. gen. reduction	$	(30,000)	
Services reduction	$	(34,565)	- installation & training
Equipment reduction	$	(707,251)	- Police, 911 resp., UPS, Unity failover
ACD reduction	$	(56,233)	- 40 fewer ACD agents
Centrex Termination	$	1,031,310	- terminate Oct 31, 2003
PSTN installation	$	14,573	
Sub-total (pre-tax)	**$**	**5,785,795**	
D.R. switches	$	232,424	
Sub-total (pre-tax)	**$**	**6,018,219**	
Total (tax incl)	**$**	**6,680,223**	
Contingency	$	119,777	
Grand Total	**$**	**6,800,000**	

- The capital investment for this project will be recovered in 3.78 years based on average annual operating savings of approximately $1.8M.
- The capital costs would be funded from reserves.
- The capital authority requested of $6.8M includes an allowance for contingency of $120,000 planning, disaster recovery, and variations in contract items during implementation.

Staffing

IP Telephony infrastructure would be managed by the same Information Technology Services staff that currently manages the City's data network. It will be necessary to re-skill these staff with updated knowledge of IP telephony.

A formal project team will be assembled to carry out the project.

Legal

Legal Services and Finance staff will be required to assist in negotiation of the final contract with Bell Canada.

POLICIES AFFECTING PROPOSAL:

No corporate policies would be affected by this proposal.

CONSULTATION WITH RELEVANT

DEPARTMENTS/AGENCIES:

All Divisions
As part of the DID consultation process, meetings were held with representatives from all divisions to obtain their input and support.

Customer Service
The Customer Service division has been consulted and will participate in the implementation of the project to ensure a smooth transition from the Customer Contact Centre's current services. Customer Service and Information Technology Services will work closely to deliver enhanced services for the Customer Contact Centre.

Corporate Buildings
The Corporate Buildings division currently administers all moves, adds and changes for the current Centrex system. They will be involved throughout the implementation of IP Telephony to ensure a successful transition of each Centrex phone line to the new technology.

FibreWired
The City's data network is based on services provided by FibreWired. IP Telephony leverages this investment to provide additional services for the City. FibreWired will be a close partner throughout the implementation of this project and will be key to ensuring the reliability of its on-going operation.

CITY STRATEGIC COMMITMENT:

IP Telephony supports the City's strategic values:

- Fiscal accountability – this project will provide significant savings while improving service levels.
- Leadership – IP Telephony is a leading edge technology which will demonstrate the City's technology leadership and will provide a springboard for local businesses to implement the technology.
- Innovation – this project is an example of innovation within municipal government. It provides the City with the ability to provide improved services at a significantly lower cost by implementing an innovative technology which leverages the City's investment in its data network.
- Teamwork – implementing this technology demonstrates the teamwork among departments within the City and partnerships with the City's suppliers.
- Excellence – IP Telephony will provide the City with a best-of-breed technology.

IP Telephony will assist in reaching the City's strategic goals:

Recommended Direct In Dial Lines

City Manager's Office	
City Manager	905 540 5420
Executive Assistant	905 540 5779
Administrative Assistant	905 540 5778
Administrative Assistant	905 540 5765
Mayor, Council	
Councillor's Switchboard	905 546 2730
Mayor	905 546 4200
Councillor – Ward 1	905 540 2416
Administrative Assistant	905 540 4528
Additional	905 546 2226
Councillor – Ward 2	905 540 2711
Administrative Assistant	905 546 4677
Additional	905 546 2863
Councillor – Ward 3	905 546 2702
Administrative Assistant	905 546 4550
Councillor – Ward 4	905 546 4512
Administrative Assistant	905 546 3168
Councillor – Ward 5	905 546 2716
Administrative Assistant	905 546 4679
Councillor – Ward 6	905 546 2707
Administrative Assistant	905 546 4695
Councillor – Ward 7	905 546 2706
Administrative Assistant	905 546 3929
Councillor – Ward 8	905 546 2712
Administrative Assistant	905 546 2779
Councillor – Ward 9	905 546 2703
Administrative Assistant	905 546 3210
Councillor – Ward 10	905 546 2701
Administrative Assistant	905 546 3192
Councillor – Ward 11	905 546 4513
Administrative Assistant	905 546 4678
Councillor – Ward 12	905 546 2704
Administrative Assistant	905 546 3196
Councillor – Ward 13	905 546 2714
Administrative Assistant	905 546 3190
Councillor – Ward 14	905 546 2705
Administrative Assistant	905 546 4643
Councillor – Ward 15	905 546 2713
Administrative Assistant	905 546 3944
Community Support Services	
Executive Director	905 546 2314
Administrative Assistant	905 546 4616

Corporate Buildings & Real Estate (General)	905 546 2784
Culture & Recreation	905 546 3747
Farmer's Market	905 546 2096
Chedoke Twin Pad Arena 91 Chedmac Dr	905 546-2429
Copps Coliseum 101 York Blvd	905 527 7666
Ancaster Community Centre/Rotary Centre 385 Jerseyville RdW	905-648-4571
Battlefield House and Monument	905 662-8458
Beasley Community Centre 77 Mary	905 546 4939
Bennetto Recreation Centre 450 Hughson N	905 546-4944
Central Memorial Recreation Centre 93 West Ave S	905 546 4939
Chedoke Golf Clubhouse 563 Aberdeen Av	905-546-3116
Children's Museum	905-546-4848
Coronation Arena/Pool 81 Macklin N	905 546-3109
Dalewood Recreation Centre1150 Main St W	905-546-4946
Dundas Lions Memorial Community Centre 10 Market St S	905 628 2260
Dundurn Castle	905-546-2872
Eastmount Community Centre 115 East 26 St	905 546 4920
Eastwood Arena 111 Burlington E	905-546-3152
Fieldcote Memorial Park and Museum	905 648-8144
Glanbrook Community Centre & Arena & Auditorium 4300 Binbrook Rd	905-692-9331
Hamilton Military Museum	905-546-2872
Hamilton Museum of Steam & Technology	905-546-4797
Hill Park Recreation Centre 465 East 16th St	905 546-4920
Huntington Park Recreation Centre 87 Brentwood Dr	905 546-4880
Inch Park Arena/Pool 400 Queensdale Av	905 546-4922
Kings Forest Golf Clubhouse 150 Greenhill Av	905-546-4781
Lawfield Arena150 Folkstone Av	905 546-4923
Market Street Arena 35 Market S	905 628-6328
Morgan Firestone Arena (Rotary Centre) 385 Jerseyville Rd W	905 648-2060
Mountain Arena & Skating Centre 25 Hester	905 546-4938
Norman Pinky Lewis Recreation Centre 192 Wentworth N	905 546-3122
Normanhurst Community Centre 1621 Barton E	905 546 4775
Olympic Arena Dundas	905 628-6328 ext. 276
Parkdale Arena/Pool 1770 Main St E	905 546-4785
Riverdale Recreation Centre 150 Violet Dr	905-546-4284
Rosedale Arena 100 Greenhill Ave	905 546-4805
Ryerson Recreation Centre 251 Duke	905 546-3111
Scott Park Arena 876 Cannon E	905 546-4919
Sir Allan MacNab Recreation Centre145 Magnolia Dr	905 546-2554
Sir Wilfrid Laurier Recreation Centre 60 Albright Av	905 546-4853
Sir Winston Churchill Recreation Centre 1715 Main St E	905 546-4775
Spring Valley Arena 29 Orchard Dr	905 648-4404
Stoney Creek Arena 37 King W	905-662-2426
Valley Park Community Centre 970 Paramount Dr	905 573-3600
Westfield Heritage Village Rockton Galt	519-621-8851
Westmount Recreation Centre 39 Montcalm Dr	905 546-4932
Whitehern Historic House and Garden	905 546-2018
Ancaster Aquatic Centre 47 Meadowbrook Dr Ancaster	905-648-0222

Coronation Arena/Pool 81 Macklin N	905 546-3109
Inch Park Arena/Pool 400 Queensdale Av	905 546-4922
Jimmy Thompson Pool 1099 King E	905 546-4768
Parkdale Arena/Pool1770 Main E	905 546-4785
Harold G.Brewster Pool 200 De Witt Rd Winona	905 643-4434
Valley Park Aquatic Centre 970 Paramount Dr	905-573-3600
'Seniors Centres	
Ancaster Senior Achievement Centre 622 Alberton Rd Ancaster	905 648 3466
Sackville Seniors Centre 780 UpperWentworth	905 546 2541
Main Hess Seniors Centre	905 546 4964
Emergency Services	
Hamilton Fire Services	905 546 3346
Administrative Offices	905 546 3333
Fire Prevention,Inspections, Permits, Reports	905 628 1380
Mechanical	905 546 3332
Fire Station Group Visits	905 546 3322
Hamilton Arson Prevention	905 546 3383
Home Inspection Requests	905 546 3382
Training	905 546 3318
Ambulance & Emergency Medical Services	905 540 5782
Hamilton Police Services (Central Station)	905 546 4772
Hamilton Police (Non-emergency)	905 546 4925
Parks	905 546 2996
Cemeteries	905 546 4704
Gage Greenhouse	905 546 3178
Tree Planting	905 546 4379
Victim Services	905 546 4904
Design & Construction	905 546 3004
Hamilton Public Library	905 546 3200
Ancaster 300 WilsonE. Ancaster	905 648 6911
Barton 571 BartonE	605 546 3450
Binbrook 2641 Hwy 56 Binbrook	905 692 3323
Bookmobiles	905 546 3473
Carlisle 1496 Centre Rd	905 689 8769
Concession 565 Concession	905 546 3423
Dundas 18 Ogilvie Dundas	905 627 3507
Freelton 1803 Brock. Freelton	905 659 7639
Greensville 59 Kirby Dundas	905 627 4951
Kenilworth 103 KenilworthN	905 546 3960
Locke 285 LockeS	905 546 3492
Lynden 79 Lynden. Lynden	519 647 2571
Millgrove 857 MillgroveSd Millgrove	905 689 6582
Mount Hope 3027 Homestead Mt. Hope	905 679 6445
Picton 502 JamesN	905 546 3494

Red Hill 695 Queenston	905 546 2069
Rockton Beverly Twp. Building Rockton	519 647 2272
Saltfleet 131 Gray StoneyCreek	905 662 8611
Sheffield 1256 Sheffield Sheffield	519 623 2681
Sherwood 467 UpperOttawa	905 546 3249
Stoney Creek 777 Hwy 8	905 662 2211
Terryberry 100 MohawkW	905 546 3921
Valley Park 970 ParamountDr	905 573 3141
Waterdown 25MillN. Waterdown	905 689 6269
Westdale 955 KingW	905 546 3456
Corporate Secretariat	
Executive Director	905 540 5766
Administrative Assistant	905 540 5777
Customer Contact Centre	905 546 2489
Economic Development	905 546 4222
General Manager	905 546 2359
Administrative Assistant	905 546 5359
Tourism	905 546 2666
Toll free	1 800 263 8590
Hamilton Film Office	905 546 4233
Business Development	1 800 868 1329
Small Business Enterprise	905 540 6400
Corporate Services	
General Manager	905 540 6150
Administrative Assistant	905 546 4238
'Legal Service and Corporate Counsel	905 546 4520
Courthouse	905 540 5592
Corporate Management Services	
Parking	905 540 6000
School Crossing Guard	905 546 2200
Risk Management	905 540 5742
Clerks	
City Clerk	905 546 2728
Administrative Assistant	905 540 5485
Information Technology	
Revenues	
Accounts Payable	905 546 2214
Payroll	905 546 4187
Purchasing	905 546 2773
Budgets & Fiscal Policy	
Development Charges	905 546 2132
Local Improvements	905 546 2651

Human Resources	905 546 4462
General Manager	905 546 2631
Administrative Assistant	905 546 4330
Planning & Development	
General Manager	905 546 4339
Administrative Assistant	905 546 2577
Building & Licensing	905 546 2720
	905 546 2782
	905 643 1262 x369
	905 546 4697
	905 546 2724
Inspections	905 546 3950
	905 643 1198
Development	905 546 4320
Planning	905 546 4169
	905 546 6288
Land Severance/Committee of Adjustment	905 546 4221
Engineering	905 546 2822
	905 546 4148
Downtown Renewal	905 546 2755
Loans & Grants	905 546 3934
Long Range Planning & Design	905 643 1262 X206
Housing	905 523 8496
Corporate Policy & Performance	
Executive Director	905 546 2314
Administrative Assistant	905 546 4616
'Health Protection	
Child and Adolescent Services	905 546 3678
HIV/AIDS Anonymous Testing/Sexually Transmitted Disease	905 546 3541
Infectious Disease Program	905 546 2063
Sexual Health Information	905 528 5894
Dundas	905 628 3000
Stoney Creek	905 546 3750
Upper Ottawa	905 546 3274
Vaccine Orders for Doctors	905 546 3662
'Nutrition and Physical Activity	905 546 3630
Program for Aging Well	905 546 3540
Substance Abuse Prevention	905 546 3574
Tobacco Hotline	905 540 5566

Environmental Health & Infection Control	
Inspections/Complaints	905 546 3570
Safe Water Hotline	905 546 2189
Community Mental Health Promotion Program	905 546 3597
Applied Research and Evaluation	905 540 5913
Policy and Program Development	905 546 3539
Program Policy and Planning	905 546 3526
Support/Health and Soc Stat	905 546 3538
Youth/Lifestyles	
Alcohol, Drug, Gambling	905 546 3606
Dental Services	905 546 3566
St. Joseph's Community Health	905 546 3644
Heart Health	905 546 3511
Wentworth Lodge	905 628 6359
Macassa Lodge	905 546 2800
Social & Public Health Services -General	905 546 3500
Helping Hands	905 546 3057
Employment and 'Income Support Centres	
General Inquiries	905 546 4800
31 King E	905 540-5338
1550 Upper James	905 572-2154
280 Queenston Rd	905 540-5556
Eligibility Review Unit	905 546 4869
Employment and Job Strategies	905 546 2689
Family Support Unit	905 540 6100
Sole Support Employment Programs	905 546 5637
Special Income	905 546 2590
Youth Track	905 546 3637
Employment Information Sessions	905 546 4353
Community Participation	905 546 2695
Employment Placements	905 546 2685
Lodging Homes and Hostels	905 546 2225
Municipal Non-Profit Housing	905 546 4540
Rehabilitation Programs	905 546 2758
Child Care Subsidy/Homemaker & Nurses Services	905 546 4870
Child Care System Management	905 540 5384
Community Action Program for Children	905 546 4295
Healthy Babies - Healthy Children	905 546 3550
Home Management Program	905 546 4804
Learning/Earning/Parenting	905 546 3088
Red Hill Family Centre	905 546 3084
Coroner	905 546 3850
Emergency Hotline	905 546 3914
HECFI	
(HECFI) Hamilton Entertainment Convention Facilities Inc	
Convention Centre Reception	905 546-3000
Copps Coliseum Reception	905 546-4000

Hamilton Place Reception	905 546-3100
TOE	
General Manager	905 546 2313
Administrative Assistant	905 546 3641
'Design and Construction	905 546 2014
Adopt a Road Program	905 546 2805
Construction Inquiries	905 546 4313
if busy call	905 546 4259
Design Inquiries	905 546 2621
Survey Inquiries	905 546 4183
'Roads and Traffic Division	
Traffic Engineering and Operations	905 540 5920
Traffic Signs, Signals, and Marking Repairs	905 546 4376
Water/Wastewater	905 546 4426
Water/Sewer Permits	905 546 4443
Safe Water Hotline	905 546 2189
Spills Reporting	905 540 5188
Water Quality	905 546 2140
Water Testing	905 546 4484
Transit	
Hamilton Street Railway (HSR) Administration and Garage	905-528-4200
General Inquiries Regarding Routes and Schedules	905-527-4441
Fleet Services	
Waste Management	

SECTION 11

CITY WIDE
IMPLICATIONS

CITY OF HAMILTON

HUMAN RESOURCES DEPARTMENT
EMPLOYMENT & CLIENT SERVICES DIVISION

11.1

Report to:	Mayor and Members of Committee of the Whole	**Submitted by:**	Catherine Graham General Manager
Date:	December 16, 2002	**Prepared by:**	Melva Snowling, 540-5164

SUBJECT: **ELIGIBILITY FOR REEMPLOYMENT POLICY (HUR03001) (City Wide)**

RECOMMENDATION:

That the Eligibility for Reemployment Policy, attached as Appendix "A", be approved.

C Graham

Catherine Graham, General Manager
Human Resources

EXECUTIVE SUMMARY:

This policy provides that employees who have received a paid incentive for early retirement or employees who have been terminated for just cause, may not be rehired by the City. This policy also provides that employees who have received a paid incentive as a voluntary exit package, or who have been terminated with notice and separation payment, may not be rehired by the City until the separation payment period has expired.

BACKGROUND:

At the Committee of the Whole meeting of November 27, 2002, staff were directed to bring forward to Council as soon as possible, a policy dealing with the re-employment of former City employees.

Because the City of Hamilton is committed to the principles of integrity and accountability to maintain public confidence in its employees and operations, it is important to establish clear rules surrounding eligibility for rehiring. Implementing such rules will prevent actual or perceived "double dipping" in situations where employees who have received separation payments, subsequently wish to return to employment with the City.

This policy does not apply to employees exiting in normal retirement.

ANALYSIS OF ALTERNATIVES:

In order to maintain the highest public confidence in the ongoing operation of City of Hamilton and to pursue the public interest in all of the City's affairs, there is no alternative to passing and implementing a fair and effective Eligibility for Reemployment Policy.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

LEGAL IMPLICATIONS:

Legal Services has advised that the proposed policy does not contravene the following legislation which was considered in preparation of this policy.

The Municipal Act
The Employment Standards Act
The Human Rights Code of Canada
The City of Hamilton Purchasing By-law

FINANCIAL IMPLICATIONS:

None

STAFFING IMPLICATIONS:

This policy will have no impact on staffing. However, the continued absence of such a policy may contribute to low morale among city staff when unfairness and inequity surrounding "double dipping" by some city employees, is apparent or perceived.

POLICIES AFFECTING PROPOSAL:

None

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Legal Services Department
Employee Policy Review Group
Treasury Board of Canada Secretariat
Region of Peel
City of Toronto
Region of Durham
City of London
City of Mississauga
WSIB
Management Board Secretariat
LCBO

CITY STRATEGIC COMMITMENT:

Values:

Fiscal Accountability: "to increase the efficiency of our city government through fiscal responsibility and prudence".

Integrity: "to demonstrate honesty and sincerity in all of our dealings, upholding only the highest ethical principles".

VISION 20/20:

Goals: "To ensure public activities and decisions at all levels of government are co-ordinated, efficient, effective and easily accessible to all citizens."

Hamilton

Effective Date:
Replaces Policy No.

ELIGIBILITY FOR REEMPLOYMENT POLICY

POLICY STATEMENT AND PURPOSE

The City of Hamilton desires to maintain and enhance public confidence in the integrity of its employees and operations. It will take the necessary steps to prevent real, potential or apparent conflicts of interest, in accordance with the principles of neutrality, fairness and accountability in the public sector.

This policy outlines the City's mandate surrounding the practice of eligibility for rehiring of former City employees.

SCOPE

This policy applies to all current full and part time employees of the City, and employees who left the employ of the City since January 1st, 2001.

PROVISIONS

Employees who have accepted a monetary incentive with a Voluntary Early Retirement Package, shall not be eligible to be employed by the City, in any capacity, at any time after their departure from the City. Such former employees may not be retained on contract as sole proprietor providers, nor hired on a temporary basis. This prohibition does not apply to firms who may employ such former City employees.

Employees who have been terminated from the City, with just cause, shall not be eligible to be employed by the City, in any capacity, at any time after their departure from the City. Such former employees may not be retained on contract as consultants, nor hired on a temporary basis.

Employees who have accepted a monetary incentive with a voluntary exit package, or employees who have been terminated for lack of work or budgetary constraints and who have received the required notice and severance payment, may not be employed again by the City, in any capacity, until the time period used in the calculation of the separation payment, has expired. (eg. If the employee has received a separation payment equal to 26 weeks pay, the former employee may not be rehired by the City again, until the expiration of 26 weeks following last day of employment.)

The following former employees are eligible for rehire:

- Employees who have resigned, in good standing
- Employees who have exited in normal retirement
- Employees who were covered by specific terms for rehiring in a collective agreement

EXCEPTIONS

It could arise that there are unusual or unforeseen circumstances where the services or skills of a former employee who has left the City with a Voluntary Early Retirement Package, are required. In such a situation, if there are no other qualified candidates, no other reasonable alternatives, and such reemployment is necessary for the strategic needs of the City operation, the City Manager and General Manager of Human Resources may approve such reemployment. The reemployment must be for a fixed term for one of the following reasons:

- Specific task or project
- Replacement employee

In no circumstances however, may re-employment occur while such employee is still receiving his or her incentive payments.

DEFINITIONS

Terminated with Just Cause: termination of employment because of a breach of a term or condition of employment, including failure to comply with the employer's rules and policies, or failure to perform the duties of the relevant position in a safe, reliable and competent manner.

RELEVANT LEGISLATION

The Municipal Act
The Employment Standards Act
The Human Rights Code of Ontario
Purchasing By-law, City of Hamilton

ADMINISTRATION

This policy is administered by the Human Resources Department, Employment and Client Services Division.

CITY STRATEGIC COMMITMENT

This policy will support the City's Vision and Mission and Commitments.

Values:

Fiscal Accountability: "to increase the efficiency of our city government through fiscal responsibility and prudence".

Integrity: "to demonstrate honesty and sincerity in all of our dealings, upholding only the highest ethical principles".

VISION 20/20:

Goals: "To ensure public activities and decisions at all levels of government are coordinated, efficient, effective and easily accessible to all citizens.

COUNCIL REFERENCE

Approved by Council of the City of Hamilton in report No.

CONTACT

For more information or procedures, contact the Employment and Client Services Division, Human Resources Department.

SECTION 12

CITY WIDE IMPLICATIONS

CITY OF HAMILTON

12.1

PLANNING AND DEVELOPMENT DEPARTMENT
Long Range Planning and Design Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Lee Ann Coveyduc General Manager
Date: **File:**	December 13, 2002 Y77	**Prepared by:**	L. Harvey (905) 643-1262 Ext. 276

SUBJECT: Ending of Contract with ACTION 2020 HAMILTON-WENTWORTH (PD03008)(City Wide)

RECOMMENDATION:

(a) That Council approves ending the contract with ACTION 2020 HAMILTON-WENTWORTH, which expires December 31, 2003.

(b) That staff from the Planning and Development Department, Legal Services and Clerk's Sections be empowered to execute the necessary documents required to end the contract with ACTION 2020 HAMILTON-WENTWORTH which expires December 31, 2003.

(c) That staff be directed to pursue all opportunities to engage community participation in the VISION 2020 Renewal project currently scheduled for 2003, including the formation of a non-arm's length community advisory group on sustainable development.

LeeAnn Coveyduck

Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

In the course of 2002, ACTION 2020 is a non-profit corporation formed to work in partnership with the City to empower community action toward Hamilton's sustainable community initiative, VISION 2020. The partnership agreement was in the form of a contract between the City and ACTION 2020.

ACTION 2020 has had no success in obtaining funding from the City and the Trillium Foundation. The organization has now advised in writing that they are dissolving their incorporation and have requested a mutual end to the contract to provide services, which expires December 31, 2003.

Legal Services Division has advised that Council approval should be obtained prior to execution of the legal documents necessary.

In order to continue community involvement in VISION 2020, the formation of a non-arm's length community advisory group on sustainable development is being discussed by Councillor Caplan, staff and members of the ACTION 2020 Board and Task Forces.

BACKGROUND:

ACTION 2020 HAMILTON-WENTWORTH is a non-profit organization incorporated under Letters Patent pursuant to the Ontario Corporations Act on March 15, 2000. It was formed as an arm's length organization to work in partnership with the City of Hamilton to empower community action toward Hamilton's sustainable community initiative, VISION 2020.

The current contract was negotiated and executed November 26, 2001. This agreement outlined the terms of the partnership and services to be provided. This contract is still in effect and expires December 31, 2003.

ACTION 2020's business plan called for eventual financial self-sufficiency. The City's financial contribution was separated into an annual schedule outlining the amount of financial and in-kind resources to be provided through the City's budget process each year. This schedule expired December 31, 2001.

Negotiations over the 2002 financial contribution were never finalized. The City's financial support for ACTION 2020 was discontinued in the 2002 budget. The Trillium Foundation also declined to provide financial support for ACTION 2020 during the 2002 operating year.

ACTION 2020 has now advised in writing that they are dissolving their incorporation and have requested a mutual end to the contract to provide services, which expires December 31, 2003.

Legal Services Division has advised that Council approval should be obtained prior to execution of the legal documents necessary.

Given that the organization does not have the resources to provide the services outlined in the contract, staff recommend that the agreement be terminated. All of the assets and equipment provided by the City have been returned by ACTION 2020.

Future community participation in the VISION 2020 Sustainable Community initiative is essential. To this end, Councillor Caplan has met with former ACTION 2020 Board members, Task Force leaders, other organizations and staff from the Planning and Development Department to continue the tradition of community partnership in achieving the Vision in the upcoming Renewal 2003 five-year review. The formation of a non-arm's length community advisory group on sustainable development is being discussed. The initial function of this group will be to advise and participate in Renewal 2003. An ongoing role for this group after Renewal is also being discussed.

ANALYSIS OF ALTERNATIVES:

Council also has the option of not approving an end to the contract. Given that the ACTION 2020 organization is in the process of unincorporation, it is unlikely that any of the services in the contract will be met if it remains in place.

A second option is to not approve an end to the contract and restore the 2001 financial and in-kind contribution of $80,000. Given that the organization is in the process of disbanding, this option may not result in the contract services being provided.

Regardless of the decision on ending the contract with ACTION 2020, Council has the option to endorse the creation of a non-arm's length community advisory group on sustainable development. This group could advise and participate in Renewal 2003 and continue to advise staff and Council on an ongoing basis after the Renewal is complete. Community members have suggested that this group should go beyond the 14 Task Force theme areas to include a wider variety of stakeholders such as members of the Mayors Task Force on GRIDS, the Chamber of Commerce, neighbourhood associations and Business Improvement Area members.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial

Ending the contract with ACTION 2020 will not result in budget savings for the 2003 budget year as funding has already been withdrawn in 2002. If the funding is restored at the previous level, there will be an increase in costs to the Planning and Development Department of $80,000 in financial and in-kind resources. Resources to support an advisory group are considered part of the funding for Renewal 2003 and the VISION 2020 program.

Staffing
By forming new partnerships for projects and services, staff resources in the Planning and Development Department will not be impacted by ending this contract.

Legal
Legal Services has advised that contract agreements should not remain in place if the terms of the contract are not being met. The contract needs to be ended, as the organization is no longer able to carry out the services required.

POLICIES AFFECTING PROPOSAL:

See Strategic Commitment section below.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Legal Services – see Analysis section above.

CITY STRATEGIC COMMITMENT:

Ending the contract with ACTION 2020 does not mean an end to the community participation that is a necessary part of the VISION 2020 sustainable community program. New partnerships and cooperative efforts are currently being discussed.

:LH
Attach. (1)

RECEIVED NOV 2 1 2002

Action 2020
City Hall, 71 Main Street West
Hamilton, Ontario L8P 4Y5
Phone: 905 379-4434
Fax: 905 546-1495

Ms. Lee Ann Coveyduck
General Manager
Planning and Development Department
The City of Hamilton
71 Main Street W.,
Hamilton, Ontario L8P 4Y5

Dear Ms. Coveyduck

Action 2020 has made the decision to dissolve its incorporation at its Board meeting on November 7, 2002. Further to discussions with Linda Harvey, Vision 2020 Program Co-ordinator, I am requesting on behalf of Action 2020 that we mutually end our contract agreement.

Yours truly

Diane Quell for John Haslehurst.

John Haslehurst
Co-Chair
Action 2020

cc: Bill Jannsen
Planning and Development Department

Linda Harvey
Vision 2020 Co-ordinator
Planning and Development Department

Board Members
Action 2020

AFFECTS
WARD 2

CITY OF HAMILTON

12.2

PLANNING AND DEVELOPMENT DEPARTMENT
Downtown Renewal Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Lee Ann Coveyduck General Manager
Date: **File:**	December 13, 2002 1204-1/1100-W	**Prepared by:**	Ron Marini, Ext. 4178 Gord Moodie, Ext. 3934

SUBJECT: **Hamilton Residential Loan Program Loan Commitment**
91 Wellington Street North (PD03016) (Ward 2)

RECOMMENDATION:

(a) That a loan to Valley Place Condominiums to redevelop 91 Wellington Street North be authorized in accordance with the terms of the Hamilton Downtown Residential Loan Program and specified in Appendix "A" to Report PD03016, for an amount of $290,000 to redevelop the above-mentioned property into a four (4) storey residential building containing twelve (12) residential units totalling approximately 14,500 square feet.

(b) That Legal Counsel be authorized and directed to prepare a Letter of Commitment authorizing such loan to Valley Place Condominiums, such letter to contain conditions and requirements of the City related to the advancement of the loan.

LeeAnn Coveyduck

Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

The Valley Place Condominiums project relating to the development at 91 Wellington Street North conforms to the revised provisions of the Hamilton Downtown Residential Loan Program as adopted by Council on September 25, 2002. A loan commitment in the form of a loan agreement for $290,000 secured by a second collateral mortgage, is recommended for the proposed development.

BACKGROUND:

The Hamilton Downtown Residential Loan Program was established to assist residential developers in creating new residential units within the Hamilton Downtown Core. The original program was to be funded from a $10 million operating line of credit which was approved by Council. The program has been revised in consultation with the development industry. The terms and conditions of the program are attached as Appendix "A" to Report PD03016.

The applicants of the property at 91 Wellington Street North had been on the program waiting list for the original program. The proposed loan to the applicant is recommended for approval on the basis that there is an uncommitted balance of the original $10 million line of credit. This recommended loan commitment is to be made under the revised terms of the program. The applicant is aware that the loan is recommended under the revised terms of the program. The subject site is identified on Appendix "B" to Report PD03016.

The proposed redevelopment of 91 Wellington Street North represents an opportunity for residential infill within the Downtown and demonstrates conformity with the Downtown Hamilton Secondary Plan. The subject site has remained partially developed for a considerable period of time as the developer has tried to secure appropriate financing to complete the project. An overriding theme of the Secondary Plan is the development of additional residential opportunities within the Downtown, and the intensification of this site meets this objective.

City staff has worked with the applicant to refine their redevelopment proposal to meet the objectives of the Downtown Hamilton Secondary Plan and other design guidelines established by the City. A building permit has been issued for the proposed development and construction has recommenced after a period of inactivity.

ANALYSIS OF ALTERNATIVES:

Funding of the proposed project under the terms of the Hamilton Downtown Residential Loan Program provides the necessary gap financing to make the development financially viable for the development proponent. In the event that the project was not to be funded, the development would undoubtedly not proceed and the subject site would remain in an unfinished state as it has for the last several years.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial – In accordance with the terms and conditions of the program, staff has reviewed the development proposal and the loan commitment is made on the basis that there is an uncommitted balance under the terms of the existing $10 million operating line of credit. Listed below is a table which notes the status of the loans available.

Property	Amount	Date	Deadline to Apply	Fund Balance	Construction Start	No. of Units
135-143 James Street South Bear Inc.	$3.4 M	Aug 22/01	Satisfied	$1,489,004	Spring/02	192
11 Rebecca Street Rebecca Street Holdings	$.8 M	Aug 22/01	Satisfied	nil	Spring/03	40
155 James Street South Augusta & James Limited	$1.056 M	Jan 9/01	Satisfied	$1,041,000	Complete	90
12 – 14 Mary Street 1178605 Ontario Inc.	$1.00 M		Satisfied	nil	Spring/03	90
100 Main Street East Homestead Land Holdings	$.746 M	Aug 22/01	Satisfied	$746,000	Complete	35
118 Market Street Wilshire Group Inc.	$2.008 M	Feb 01/02	Satisfied	nil		120
91 Wellington Street North 1267766 Ontario Ltd.	$.290 M		Satisfied	nil	Spring/03	12
74 Hughson Street South G.S. Global Developmetns Ont.	$1.00 M					64
Total Avanced to Date				$3,276,004		
Total Fund 12/02				$15.00 M		

Staffing – Staff of the Planning and Development Department, Downtown Renewal Division, together with the Finance and Corporate Services Department, will continue to administer the program.

Legal – The contents of Report PD03016 have been prepared in a form satisfactory to the City's Legal Counsel.

POLICIES AFFECTING PROPOSAL:

The recommendations contained within this report are made in accordance with the terms and conditions of the Hamilton Downtown Residential Loan Program which form part of the City's Provincially-approved Downtown Hamilton Community Improvement Plan.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Comments from the City's Legal Counsel and Finance and Corporate Services staff have been incorporated within this report.

CITY STRATEGIC COMMITMENT:

The contents of this report relate to an application received under the Hamilton Downtown Residential Loan Program. The program provides financial assistance for the development/redevelopment of property consistent with the intent of the Downtown Hamilton Secondary Plan. The program provides financial assistance available for sustainable use of existing services and infrastructure.

GM:jcs
Attach. (2)

SUMMARY OF THE TERMS OF THE HAMILTON DOWNTOWN RESIDENTIAL LOAN PROGRAM

PURPOSE OF THE LOAN

The Hamilton Downtown Residential Loan Program was developed as a catalyst for stimulating residential development within Downtown Hamilton as defined by the Downtown Hamilton Community Improvement Project Area. The program is intended to provide financial assistance for converting existing commercial space into apartments or renovations to bring existing apartments into compliance with the Property Standards By- law and Fire Code. The program is also intended to provide assistance for the costs of creating new residential units on vacant land.

Acting as a lender, the City provides financial support for the program and ensures that development arising from the program within the Downtown is consistent with the principles and design themes contained within the Downtown Hamilton Secondary Plan.

TERMS OF THE PROGRAM

1. The Loan interest rate will be at 0 % interest.

2. The Loan will be registered as a second mortgage upon first advance of funds.

3. In the event of default of payment of any principal amount then interest shall be charged on the balance of the principal amount from the date of default until the default is cured or the balance of the principal is repaid whichever shall first occur at a rate equivalent to the highest rate charged by the City in respect of property tax arrears .

4. The maximum loan term is five (5) years (subject to prior termination on default).

5. Principal is repayable in annual amounts of ten percent (10%), in twelve (12) equal monthly payments, of the original loan amount. Payments will commence one year following completion of construction. The balance outstanding will be paid by a balloon payment at the end of the five year term.

6. The maximum loan amount is calculated on the basis of $20 per square foot of habitable floor space. The City reserves the right to decide what is considered habitable floor space under the terms of program.

7. The City will periodically review the terms and the duration of the program and make appropriate revisions as per the direction of City Council.

8. The City may request such security as may be required to secure a commercial loan, including the following: loan agreement; and/or promissory note; and/or personal property security; and/or personal guarantee's; and/or lien on the property to be improved; and/or mortgage charge registered on the property to be improved; and/or letter of credit in lieu of a second mortgage charge on the property (subject to City's minimum equity requirements); and/or such other security which may be appropriate or available in the circumstance.

9. Upon proof satisfactory to the City that the proposed development is 60% complete and that equity and/or financing required to that stage of completion has been injected into the development then the approved City funds will be made available and released proportionately based upon the approved source of funds (equity/financing/City funds). The calculation of the proportion to be advanced will reflect that the first 60% of funding is from non-City sources. Advances will be made in conjunction with financing advances or after proof of equity injections.

10. Owner applicants shall have no less than 25% equity based upon the appraised value of the property offered as security, including cost of improvements being financed. The 25% equity in the project shall be maintained throughout the term of the City loan. An accredited member of the Appraisal Institute shall complete the property appraisal prior to funding within a time frame acceptable to the City.

11. An administration fee of $500.00 per unit for developments under 50 units; $400.00 per unit for developments between 50 and 100 units and $300.00 per unit for projects over 100 units, is charged to the borrower and is eligible to be paid out of the loan proceeds.

12. Realty taxes must be paid current and in good standing throughout the development process, and during the term of the City loan.

13. Eligible existing buildings/vacant properties must be located in the Downtown Hamilton Community Improvement Project Area. Only class C/D commercial buildings with a pre-existing annual vacancy of not less 20% are eligible. Vacant lands include properties developed as parking lots.

14. Site Plan drawings in a form acceptable to the City must accompany the application form. Architectural renderings of the proposed completed development must also be submitted and must meet the objectives of the Downtown Hamilton Secondary Plan as determined by City staff.

15. Advances are made by the City, upon proof by a quantified surveyor or architect/engineer confirming the value of the work completed.

16. All costs associated with the conversion or renovations are to be borne by the applicant including construction, design, administration fee, appraisals,

inspections, legal and registration fees. The City retains the right to assess the reasonableness of costs and which costs are eligible under the terms of the program.

17. Upon sale of the property the loan is due and payable upon closing. Upon refinancing of the first mortgage the loan is due in full or part if take out financing or refinancing takes place in an amount higher than the existing first mortgage.

18. Upon sale of individual condominium units, the City will be repaid $25.00 per square foot upon closing.

19. The proposed development must conform to the City of Hamilton Official Plan and Zoning By-law, and to the Downtown Hamilton Secondary Plan.

20. The City of Hamilton will require specific insurance terms to be met to protect the City's interest.

21. Deadlines for the submission and approval of buildings permits and construction start dates are established following a report to Council for approved applications.

HAMILTON DOWNTOWN RESIDENTIAL LOAN PROGRAM

DOCUMENTS REQUIRED

Personal

- Net Worth Statement
- Completed Application
- Two Years Income Tax Returns

Corporate

- Two Years Financial Statements
- Incorporation Documents

Liabilities

- Current Institutional Bank or Banks
- Lawyers Name and Address

The Property

- Site Plan or Survey
- Proposed Building Architectural Drawings
- Breakdown of Construction Cost
- Contracts in Place
- Original Purchase Price
- Current Registered Mortgages
- Details of Primary Construction Lending
- Details of Any Secondary Financing
- Appraisal (performed by A.A.C.I) Today's Value
- Appraisal Upon Completion
- Phase 1 Environmental Report
- Breakdown of other uses i.e. (commercial component)

Marketing

- Projected Rental Rates per unit or per sq foot
- Any Leases currently in place
- Letters of Intent to Lease
- Projected Expenses or Actual if Available
- List any Advantages of Leasing for the Property

HAMILTON DOWNTOWN RESIDENTIAL LOAN PROGRAM APPLICATION FOR FINANCING

PERSONAL

Applicant's Name:

Address:

Telephone (Home): Business:

Date of Birth: S.I.N.

Spouse's Name:

Bank: Account:

Credit Cards:

No. of Dependents:

Employer:

Address:

BUSINESS

Company Name:

Address:

Telephone:

Date of Registration:

Name of Registered Shareholders:

Solicitor's Name:

Address:

Telephone: Fax:

Accountant's Name:

Telephone:

THE PROPERTY

Address

Date of Purchase: Purchase Price:

Appraised Value:

Current Mortgage Amount.

Rate: Term: Date of Maturity:

Secondary Financing:

Name on Title:

PROPOSED

Estimated Cost: Cost per sq. foot:

No. of Proposed Units:

Current Use:

Please provide survey or site plan.

DECLARATION

I/We hereby grant permission to the City of Hamilton or its agents, to carry out the necessary inquiries for the purpose of determining my/our income, assets, liabilities and credit information.

Date **Signature**

Date **Signature**

HAMILTON DOWNTOWN RESIDENTIAL LOAN PROGRAM
SECURITY DOCUMENTATION

The security documentation for the Hamilton Downtown Residential Loan Program was prepared specifically for the program by the law firm of:

Simpson, Wigle
Barristers & Solicitors
Suite 400
Commerce Place
21 King Street West
Hamilton ON L8P 4W7

Timothy Bullock

HAMILTON DOWNTOWN RESIDENTIAL LOAN PROGRAM SECURITY DOCUMENTATION

To ensure any Applicant understands the processing procedure and all terms and conditions of the loan, the Processing Procedures document should be provided to each Applicant and the application form completed with the terms and conditions of the loan signed prior to City approval. The terms and conditions of loan approval are not a loan commitment or an agreement to provide a loan. The application form will ensure that the Applicant understands upon what basis the City will be approving the loan and the types of terms and conditions that will be in the Loan Agreement. The Solicitor's office will prepare the necessary loan documentation and complete the necessary searches to secure the City's position. In addition, the Applicant is to provide all necessary information required to satisfy any conditions of the loan such as an appraisal, names of cost consultants, contractors, bonding information, insurance information and any other items required and recommended arising from the risk analysis.

The security documentation should be drafted to include all standard requirements of the loan program and any special terms or conditions contained in the Council approval or report to Council. The critical documentation would be a Loan Agreement and a Collateral Mortgage. This would be consistent with the loans done to date. The Loan Agreement adopts standard terms and conditions and any special provisions related to the loan. The Loan Agreement includes the principal amount, the terms of repayment, arrears and events of default. A standard form has been prepared and is presently in use. A Collateral Mortgage has also been prepared. It provides for remedies upon default and would normally be registered as a second charge upon the property.

In addition to the Loan Agreement and Collateral Mortgage security documentation would include a Resolution of the company, and Officer's Certificate, a legal opinion from the solicitor or borrower as to due execution of all documentation and authority. Dependent upon the risk analysis, there may be a personal guarantee required, performance bonds, letters of credit or security on other assets such as a family home. The additional types of security would depend upon the application and the risk analysis.

For purposes of searches to secure title, the following would be recommended:

- *Search of Title;*
- *Execution Search;*
- *Tax Search;*
- *Evidence of Building Permit;*
- *Evidence of Zoning Compliance;*
- *Confirmation that there are no outstanding Work Orders;*

- *Confirmation that any site plan agreement has been complied with;*
- *Fire Department search;*
- *Certificate of status for corporation;*
- *Bankruptcy search;*
- *GST search (priority may be claimed by Federal government in respect of arrears of GST existing at the time of registration of the mortgage)*
- *Subsearches should be done at the time of each advance and depending upon the lapse of time others of the above searches may be redone;*
- *There should be a lien holdback on each advance in accordance with the Construction Lien Act.*

Many of the searches to be done are with the City itself. To the extent a simplified process can be established such that an individual in each of the Building and Planning Departments are responsible for advising then written requests and fees would not have to be paid.

A miscellaneous item to be considered in risk analysis is the first mortgagee. If the first mortgagee is a private lender is the City satisfied with their due diligence and analysis. There is potential for fraud if it is a private lender and funds advanced by the City are paid to the private lender to keep the first mortgage in good standing. This would be particularly true near the end of a project which is when the City is stepping in with their funds.

Consideration should be given to having the City do cheques to the trades themselves. This is not an uncommon situation on construction projects. Some lenders do make the cheque payable to both the borrower and the trade. This should form part of your risk analysis as to whether this is a step to be completed dependent on the borrower's financial strength, experience and viability of the project.

Payment of trades and review of outstanding accounts is critical on large loans and requires a cost consultant or quantity surveyor.

HAMILTON DOWNTOWN RESIDENTIAL LOAN PROGRAM UNDERWRITING AND RISK ASSESSMENT PROCESS

To properly assess risk and underwrite any income property (residential or commercial) or potential condo conversion, the process must begin with the proper information accompanying the application. This information is used in assessing the risk and determining if the loan amount applied for falls within the income capability of the property. The underwriting approach should address the project from a financial, market and construction risk point of view.

To support the underwriting process, it is considered prudent to retain a Quantity Surveyor/Construction Cost Consultant to review:

A. The project budget and construction schedule proposed:

- at each advance to review cost to date;
- at each advance to review the timeliness of the proposed construction schedule.

An equally important consideration is the monitoring of the project as funds are advanced to ensure:

A. Loan funds are being used properly:

- Project schedule is on time;
- Cost overruns are being funded by borrower equity and/or primary lender loan increases.

Each of these elements of the process is detailed below.

A) INFORMATION REQUIRED

Background and complete disclosure of project ownership

At least three years of Audited or Review Engagement financial statements with the most recent year end no longer than nine months old. The statements are to be accompanied by explanation of any non-project assets, liabilities as well as income and expenses.

The project's construction and soft cost budget.

A pro forma income and expense budget for the project.

A detailed construction schedule for the project.

Appraisal Report from a qualified appraiser acceptable to the City of Hamilton based on the completed project and using an income approach based on current market rents/values and capitalization rates.

At least a Phase I Environmental Report.

A resume of the construction team including architect, engineer, major trades, bonding and insurance company.

A copy of a construction and take out commitment from a financial institution acceptable to the City of Hamilton.

Personal and/or Corporate financial statement of any proposed guarantor.

B) FINANCIAL RISK ASSESSMENT

Review and assess projected income and expenses in relation to current market comparables.

Assess total construction and soft cost budget in relation to current market costs.

Ensure sufficient contingencies have been provided for in the construction budget.

Review the make up and confirm proposed borrower equity contribution meets the 25% requirement.

Assess market value of the completed project.

Confirm the project Loan to Value ratio (LN: Value), including the first mortgage conform to normal lending industry procedures.

Confirm that Debt Service Coverage Ratio (DSC), including the first mortgagee conform to normal lending industry procedures.

C) ENSURE ALL ENVIRONMENTAL ISSUES HAVE BEEN SATISFIED.

Assess the adequacy of construction and soft cost budget as well as contingencies.

Confirm that the proposed construction schedule is achievable.

Assess the financial strength and performance ability of the general contractor as well as all major sub trades.

Ensure adequate bonding is in place for the general contractor and key sub trades.

Ensure adequate construction All Risk Insurance is in place.

Determine key shareholders/guarantors have sufficient financial strength to fund cost overruns if required.

D) MARKET RISK ASSESSMENT

Assess projected rental/sales agent has sufficient experience/track record to achieve the projected lease up/sales.

E) MONITORING

Each advance to be accompanied by a breakdown of hard costs to date and costs to complete certified by an Engineer.

At the time of each advance, review the timing of the project construction schedule. Confirmation that any cost overruns have been funded by borrower equity and/or an increased construction loan from the primary lender.

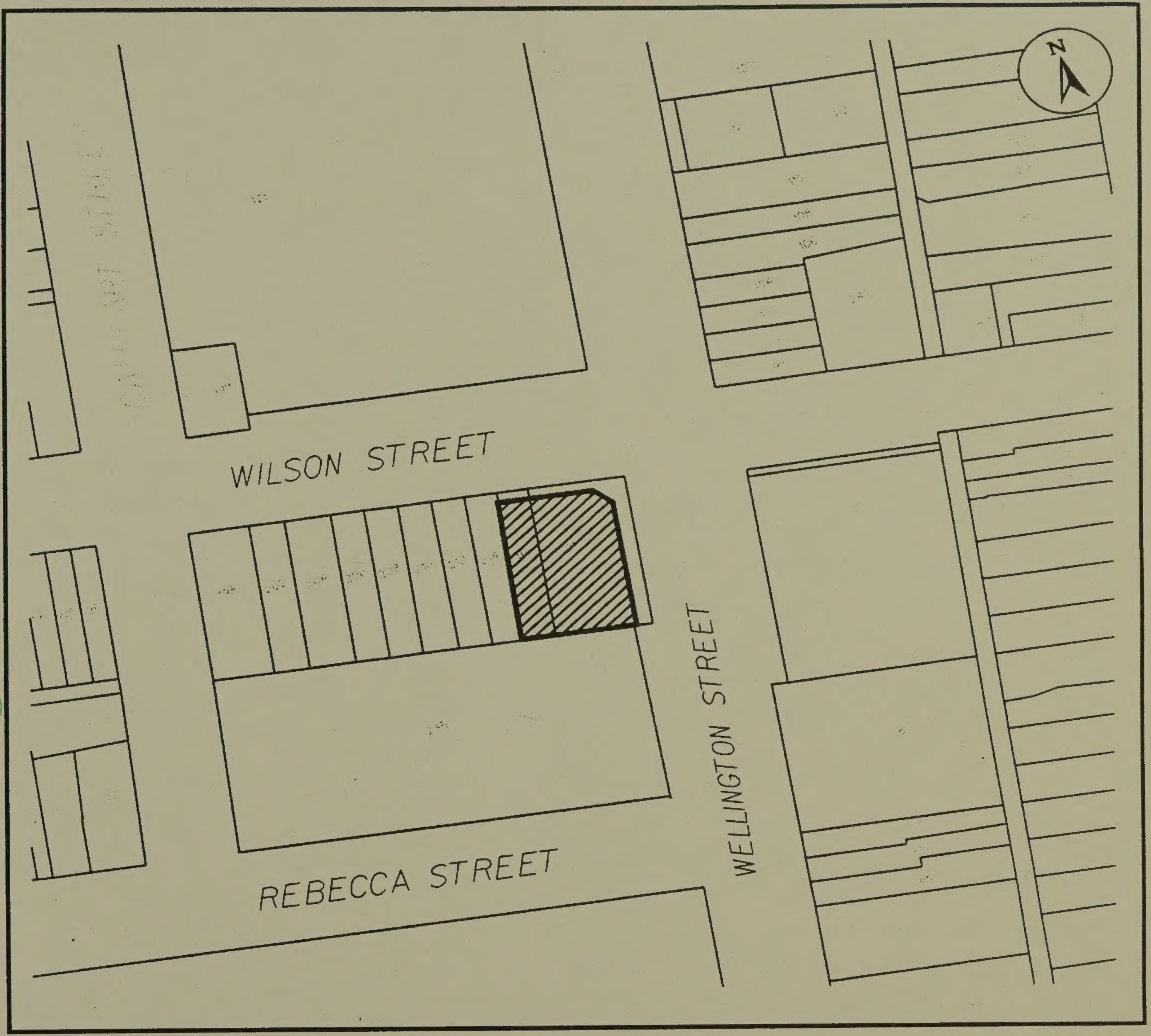
A monthly report as to the current status of lease up/sales. Through a title subsearch, ensure any liens or executions have been discharged or removed.

If construction has not been completed after loans have totally advanced, to continue to be provided with a report of project costs to date and cost to complete certified by an engineer.

If construction has not been completed after loan has been totally advanced, to continue to provide an update of the construction schedule of the project.

After loans have been totally advanced and until repayment commences, to continue to be provided with a monthly report as to the current status of lease up/sales.

Appendix "B" to Report PD03016
Page 1 of 1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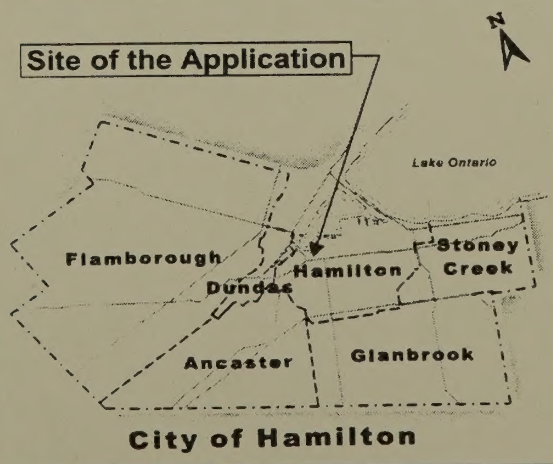
WILSON STREET
WELLINGTON STREET
REBECCA STREET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Site of the Application
Lake Ontario
Flamborough
Dundas
Hamilton
Stoney Creek
Ancaster
Glanbrook
City of Hamilton

PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

▨ **Subject Property**
91 Wellington Street North

Hamilton

Filename/number
91 Wellington St N.

Date
December 11, 2002

Technician:
NM

Map Not to Scale

Appendix "A"

SECTION 13

SECTION 14

CITY WIDE IMPLICATIONS

CITY OF HAMILTON

14.1

TRANSPORTATION, OPERATIONS & ENVIRONMENT
Waste Management Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Scott Stewart Acting General Manager
Date:	December 17, 2002	**Prepared by:**	Beth Goodger Extension 3916 Pat Parker Extension 5252

SUBJECT: Proposed Advance Budget Reductions - Solid Waste Management (TOE03004) - (City Wide Implications)

RECOMMENDATION:

(a) That the frequency of scheduled Bulk Waste collection be reduced from six to three times per year for 2003;

(b) That the frequency of scheduled Leaf and Yard Waste collection be reduced from sixteen to eleven times per year for 2003;

(c) That a fee of $20 per appliance containing CFCs be introduced in 2003 for the White Goods Program;

(d) That the program changes outlined in Recommendations (a) to (c) above be communicated in the 2003 - 2004 Waste Collection Calendar; and

(e) That the resulting cost savings from Recommendations (a) to (c) above be incorporated into the 2003 Budget.

Scott Stewart, Acting General Manager
Transportation, Operations & Environment

EXECUTIVE SUMMARY:

Of the proposed budget reductions for the Waste Management Division, there are three waste collection programs that require approval in advance of the 2003 Budget Process so that they can be included on the 2003-2004 Waste Collection Calendar. These programs include the reduction of collection frequency for Bulk Waste and Leaf and

Yard Waste and introducing a $20 fee for collection of White Goods (appliances) that contain CFCs.

The program changes would result in potential reduction of $615,000 for the 2003 Budget.

Although the Solid Waste Management Master Plan (SWMMP) Steering Committee recognized the cost savings/revenues, some of the members expressed concerns about the impact that the changes may have on illegal dumping.

If the savings are to be recognized in 2003 the program changes must be communicated in the 2003 - 2004 Waste Collection Calendar. The current calendar goes to March 31, 2003, and the new calendar will be sent out in early March 2003. In order to meet print deadlines and get the calendars printed, dates and information must be signed off by the end of January. It is therefore recommended that the program changes be approved in accordance with the recommendations of this report, and that the cost savings be included in the 2003 Budget so that the program changes can be communicated to the residents in the 2003-2004 Waste Collection Calendar.

BACKGROUND:

The purpose of this report is to present to Council those aspects of the Waste Management Division proposed budget reductions which are affected by the timelines for the 2003-2004 Waste Collection Calendar.

These changes are being presented to Council in advance of the general budget process to obtain direction so that accurate program information can be included in the Waste Collection Calendar, which goes to print at the end of January for distribution in early March 2003.

ANALYSIS OF ALTERNATIVES:

The analysis in this report relates to the solid waste program changes proposed for three collection programs. The nature of the changes includes:

- Bulk Waste Collection Program - Frequency of Collection
- Leaf and Yard Waste Collection Program - Frequency of Collection
- White Goods Collection Program - Fee for CFC Removal

The proposed program changes will be reviewed relative to service levels, quality and quantity of service, budget implications and risk impacts.

All of these program changes share a common risk in that their implementation may result in illegal dumping of waste, particularly in the initial stages, as experienced in some other Southern Ontario municipalities

Bulk Waste Collection Program – Frequency of Collection

1) Program Change

The present Waste Collection Calendar includes six regular scheduled collections per year for Bulk Waste. As part of the submitted budget reductions, it is proposed that the number of collections be reduced to three. Collection would be scheduled for January and March (as these are on the 2002-2003 calendar). The third collection would be scheduled for September 2003 and would be included in the 2003-2004 calendar.

It is intended that future promotional material, including the Waste Collection Calendar and the website, include information encouraging residents to consider reuse opportunities with community organizations and private companies, prior to disposing of material as Bulk Waste.

2) Service Level Impacts

There will be some impact on service, however, it appears from the amount of Bulk Waste collected in 2002, that residents enjoyed the fact that there were regular scheduled collections regardless of the frequency. Reducing the number of collections means that residents may have to retain material for slightly longer periods, or they have the option of taking it to a Transfer Station.

This program change may result in an increase in roadside dumping, and may also initially increase the number of calls about service changes. It is not expected that the program change will significantly impact on the amount of Bulk Waste collected.

3) Cost Savings

It is estimated that the cost savings of reducing scheduled Bulk Waste collections from 6 to 3 times per year will result in a cost savings of $280,000.

Leaf and Yard Waste Program - Frequency of Collection

1) Proposed Program Changes

It is proposed to modify the Leaf and Yard Waste program to eliminate collection in the summer months (July, August and up to September 19). It is also proposed that grass clippings be banned from the garbage stream. As such, there would be no collection of grass clippings during the summer months. Residents will be encouraged to grass-cycle (leave the clippings on the lawn) and to compost materials in their backyards. Leaf and Yard Waste, including grass clippings will continue to be accepted at the Transfer Stations, at no charge to residents. Grass clippings will continue to be collected as leaf and yard waste during the scheduled collection days.

The changes would be communicated in the Waste Collection Calendar, and alternatives for summer months would be promoted from June to September.

2) Service Level Impacts

In 2002, 14,345 tonnes of waste was diverted from landfill through the Leaf and Yard Waste program. This is an increase of 37% over 2001, indicating that the program is successful and continues to enjoy the support of residents. It is expected that the increase in 2003 will be a more modest 5% increase, representing about 1,000 tonnes.

Approximately 75% of the leaf and yard waste is generated in the months between April to June and October and November. Appendix A shows quantities of leaf and yard waste collected by month for 2000 to 2002. As such residents are being asked to find alternative means of handling approximately 25% of the their yard waste that is generated in a 10-week period. The biweekly schedule for 2003 would be between April 14 to July 4 and September 22 to November 28.

The changes would be included in the Waste Collection Calendar and promotional material will continue to remind residents to grass-cycle and to use their backyard composters for grass clippings.

Of the 2002 tonnage diverted, 9,581 tonnes was collected at curbside, while the balance of 4,764 tonnes was received at the Transfer Stations. The Transfer Stations continue to accept Leaf and Yard Waste at no charge to residents.

It is expected that the City will receive 700 tonnes of finished compost from the 2002 program, and this will be distributed at waste management events in 2003, and to other City departments for use in their operations.

3) Cost Savings

It is expected that the cost savings of reducing the number of scheduled Leaf and Yard Waste collections from sixteen to eleven will be $260,000.

White Goods Collection Program - Fee for CFC Removal

1) Proposed Program Change

It is proposed to change the White Goods Collection Program only as it applies to appliances that contain chlorofluorocarbons (CFCs). These White Goods include dehumidifiers, freezers, refrigerators, air conditioners, and other CFC bearing appliances. It is required that the CFCs be removed from White Goods prior to removal. It is estimated that this will represent approximately 3,750 White Goods in 2003.

It is proposed to charge a fee of $20 for the removal of the CFCs to offset the cost that the City pays the White Goods Contractor.

Residents would continue to call the Customer Contact Centre to arrange for White Goods collection and they would be asked the type of White Good item being disposed. If it contains CFCs, the resident would be advised that a sticker was required, and the stickers could be purchased over the telephone or at a Municipal Service Centre. Telephone requests will accept payment via cheque, money order or credit card. Municipal Service Centres can also accept debit payments in addition to the telephone payment options. The resident would apply the sticker to the White Good item and place the item at the curb by 7:00 p.m. on the evening prior to the scheduled collection day.

2) Service Level Change

There would be no change in the service level, although some residents may consider the need to purchase a sticker an inconvenience. There is some risk that this may initially result in additional roadside dumping.

White goods that have had the CFCs removed continue to be accepted at Transfer Stations. White goods, including items containing CFCs can also be delivered to the Canadian Waste Services location, at 77 Brant Street in Hamilton, free of charge.

3) Cost Savings

Applying a $20 fee to collection of White Goods that contain CFCs will generate revenues of approximately $75,000 in 2003. This will offset the cost that the City pays to the contractor to collect and remove the CFCs.

Corporate Secretariat has advised that there would be no additional cost implications to Waste Management to sell stickers.

The City's White Goods contractor, Canadian Waste Services Inc., has also advised that there will be no additional cost implications from this change to the White Goods collection program.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The following table summarizes the potential savings from the proposed budget reductions for the three program changes:

SUMMARY OF PROPOSED BUDGET REDUCTIONS	
Program	**Cost Savings**
Bulk Waste Collection	$280,000
Leaf and Yard Waste Program	$260,000
White Goods	$75,000
TOTAL FOR THREE PROGRAMS	**$615,000**

POLICIES AFFECTING PROPOSAL:

The policies directly affecting waste diversion programs are those in the Solid Waste Management Master Plan (SWMMP). The proposed program changes do not impact significantly on the implementation of the SWMMP.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

These proposed program changes and the resulting cost reductions have been reviewed with the Finance Department, Corporate Secretariat and the SWMMP Steering Committee.

The SWMMP Steering Committee provided a mixed response to the proposed changes, recognizing that the changes may result in increased illegal dumping, but also that there are cost savings. The Steering Committee requested that a lower fee be considered for White Goods. With a $10 fee, the revenues are estimated to be $38,000, for a total budget reduction of $577,000 for the three proposed program changes.

The proposed budget reductions are supported by the Finance Department. Corporate Secretariat advises that the program changes should not impact on their operation or staffing relating to selling stickers for the White Goods program.

CITY STRATEGIC COMMITMENT:

Hamilton's Mission, Vision, Values and Goals Statement

The program changes proposed in the recommendations may not contribute to the development and enhancement of the City's waste diversion programs and therefore may not be consistent with Council's Mission, Vision, Values and Goals Statement.

Effective Solid Waste programs support the City's vision for "...a safe, healthy, sustainable community...". The proposed program changes will not make the programs more effective, however, still provide adequate service levels that are competitive with such programs in other Ontario municipalities. The proposed waste diversion program changes may not contribute to the fulfilment of the City's goals except that they may be considered to provide best value and balanced service provision.

Sustainable Development - VISION 2020

The proposed program changes may impact on fulfilling the goal of managing waste safely and responsibly.

Business Planning and Budget

The City Manager's report on Business Planning and Budget was approved by Committee of the Whole on June 18, 2002 and by Council on June 26, 2002.

The program changes may be considered to be in alignment with Council's priority to be fiscally accountable, with the intent to provide best value for tax dollars invested.

APPENDIX 'A'

MONTHLY LEAF & YARD WASTE COMPOSTED

(Tonnes)

	2002	2001	2000
January	184	19	65
February	67	9	16
March	183	65	128
April	906	437	335
May	2,307	1,360	868
June	1,944	1,541	972
July	1,363	977	612
August	1,135	829	516
September	1,039	840	434
October	1,513	1,326	663
November	3,419	2,770	1,379
December	285	298	93
Total	**14,345**	**10,470**	**6,082**

2000-2001 Increase in recovery	**72%**
2001-2002 Increase in recovery	**37%**
2000/2002 Increase in recovery	**136%**

CITY WIDE IMPLICATIONS

CITY OF HAMILTON

14.2

TRANSPORTATION, OPERATIONS & ENVIRONMENT
Waste Management Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Scott Stewart Acting General Manager
Date:	December 17, 2002	**Prepared by:**	Beth Goodger Extension 3916 Anne Winning Extension 5521

SUBJECT: **Feasibility of Establishing a Three Container Limit for Residential Waste Collection - (TOE03005) - (City Wide Implications)**

RECOMMENDATION:

(a) That, in view of the closure of SWARU, curbside garbage collection service for the City be set at a limit of three containers per single family residential household per week effective March 31, 2003, to increase diversion of waste from landfill through the City's recycling and leaf and yard waste programs.

(b) That an awareness campaign be incorporated into the Communications Strategy for the recycling program changes.

(c) That notice be provided to residents that set out containers in excess of the three container limit to educate them on the options to reduce waste set out for collection.

(d) That the General Manager of Transportation, Operations & Environment report back during the 2004 budget process but not later than January 2004, on the level of voluntary compliance and the need to enforce the three container limit.

Scott

Scott Stewart, Acting General Manager
Transportation, Operations & Environment

EXECUTIVE SUMMARY:

Subsequent to direction from Council and requests from the Solid Waste Management Master Plan (SWMMP) Steering Committee and Task Force, the subject of this report is to consider the implementation of a three container limit for weekly residential waste (garbage) collection throughout the City.

Curbside waste collection is currently provided weekly throughout the City of Hamilton. Residential properties currently have a limit of six containers per week.

Staff reviewed a number of options for introducing a three container limit and are recommending that a voluntary program be initially introduced to coincide with the recycling program changes. Achieving the 65% waste diversion target will require commitment from City residents to participate in waste diversion programs. Container limits are a means to encourage diversion by limiting the amount of waste collected and provide unlimited collection of recyclable materials and leaf and yard waste.

The new container limit will apply only to single family households and will be introduced as an awareness campaign to solicit voluntary compliance. The voluntary program will also be closely monitored to gain a better understanding of the requirements of enforcing a program or introducing a fee for bags in excess of the limit. Waste composition studies undertaken by the City in Hamilton indicate that most single family homes are already meeting the three container limit.

The change will:

- Build on the momentum of SWARU closure in December 2002 and need for action by residents.
- Support the 65% waste diversion target and implementation of the Solid Waste Management Master Plan (SWMMP).
- Fit with the launch of the interim recycling program as a public awareness tool to encourage recycling.

BACKGROUND:

On September 18, 2001, Council considered and approved item 1 of Committee of the Whole Report 01-029, Uniform Waste Collection Service Levels - Harmonization of Waste Collection Services (TOE01118a). In addition to the recommendations on collection services, the following recommendation was approved:

> 1. (i) "That a base level garbage collection service for the City be set at a limit of six containers per household (or equivalent) per week".

Subsequently on December 11, 2002, Council approved the Solid Waste Management Master Plan. Recommendation #'s 7 and 8 of the SWMMP are:

> #7 The City of Hamilton will consider the potential need for a user-pay system to encourage waste diversion and fund the waste management activities.
>
> #8 The City of Hamilton should adopt flexible enforcement systems that become progressively rigorous as waste diversion systems come into operation, recognizing the socio-economic and cultural diversity of the City.

More recently, with the impending closure of SWARU, the Waste Reduction Task Force recommended that Council consider limiting the number of garbage containers to three.

This recommendation was presented to Council in the report SWARU and Solid Waste Management Master Plan Options and Costs (TOE02220/FC02146) on December 3, 2002. Council approved the following recommendation:

> (f) That the General Manager of Transportation, Operations and Environment report back on the feasibility of implementing a three container garbage limit as a way to reduce waste being landfilled, consistent with Recommendation #'s 7 & 8 of the SWMMP.

With recent waste management activities including the SWARU closure, the award of the new recycling contracts and several program improvements in the past two years, there is merit in implementing a three container limit in conjunction with the launch of the new recycling contracts on March 31, 2003.

The distribution of the 2003-2004 Waste Collection Calendar and promotion of the recycling program changes provide a good opportunity to promote a change in container limits at low cost in conjunction with these efforts.

Recent Waste Diversion Activities

In the past two years, several waste management program initiatives have been implemented, to encourage diversion of waste from landfill:

- Diversion from the enhanced Leaf & Yard Waste Program continues to improve, with approximately 14,345 tonnes collected in 2002, a 37% increase over the 2001 tonnage of 10,470 tonnes;
- Four Special Environment Day events in 2002 saw attendance figures totalling over 4,000 cars and diverting 172 tonnes of waste; and
- In the first two months of operation the Green Cart organics demonstration project, 65% of the study area residents participated and 76 tonnes of organic waste diverted.

However the City's waste diversion rate continues to be in the range of 18 - 19%. With the closure of SWARU in December 2002, it is essential that waste diversion efforts be enhanced where possible to progress toward the waste diversion target of 65% by 2008.

Container Limits and Diversion

The objective of container limit programs is to establish a limit that is low enough to successfully contribute to waste diversion targets. Introducing a fee for containers or a "Pay as you Throw" system in conjunction with container limits provides a financial incentive to reduce waste.

Studies indicate that "Pay as you Throw" programs are the most effective, efficient way to increase diversion. Association of Municipal Recycling Coordinators (AMRC) data indicates that communities can expect the diversion rate to increase anywhere from 40 to 70% in the first year of implementation. Landfill life will be increased as reduced tonnages are guaranteed. Statistics clearly indicate that when residents become more financially responsible for the amount of waste they generate they become more conscious of limiting those amounts generated.

ANALYSIS OF ALTERNATIVES:

In Ontario, waste collection container limits and/or user-pay programs have been adopted by approximately 100 communities, indicating that introducing a three container limit is feasible. Some of the programs in nearby municipalities are listed in Appendix A to this report. A container limit program restricts the number of containers or bags of garbage per household that can be set out for weekly collection. It does not include the recycling, leaf and yard or organics containers. If the number of containers exceeds this limit, there are several approaches used:

- Additional containers may not be picked up
- A set number of tags are provided for containers at no charge for residents to use them when required
- Tags or stickers are sold at local stores for containers in excess of the limit
- Amnesty periods are permitted for times such as spring clean-up or during holidays.

Research on other programs suggests that when container limits are imposed, the implementation varies as municipalities have tailored their programs to fit their waste management facilities, requirements, budgets and perhaps their residents' commitment. The key variations relate to how to deal with additional containers (grace periods, stickering, costs, availability). One common factor, however, is that a container limit of three or less is imperative to increasing diversion rates.

The October 2001 Waste Composition Study by Earth Tech Canada indicates the average City household sets out two to three garbage containers per week. Unfortunately it also indicated that approximately 28% of the materials disposed in the waste stream could be diverted through the recycling or leaf & yard waste collection programs. Therefore, a limit of more than three containers will neither result in a noticeable reduction in garbage set out nor increase in waste diverted through recycling or composting programs. Establishing a three container limit would contribute to a better awareness by residents about the amount and type of waste they generate in the home and encourage participation in waste diversion programs (recycling, leaf and yard and backyard composting). In the longer term, a container limit program can provide a transition to possible future user pay programs, and enables proper enforcement for regular offenders of the container limit.

Other factors that are considered in the implementation are the size of the municipality, mix of housing type, and special policy areas. In consideration of these factors it was determined that the introduction of a container limit program would require extensive research into the unique requirements of the City. The recommended approach provides a voluntary period in which additional information can be obtained from "on the street" experience to determine what will work best for this community. It also takes advantage of the public education impact of introducing the change in principle and maintaining the momentum that is expected with the recycling program changes. Additionally, if voluntary compliance is successful for Hamilton, introduction of fees and or fines may not be required.

In view of the December 2001 approval of the Solid Waste Management Master Plan and its diversion target of 65%, and the December 2002 closure of SWARU, it is vital to

the preservation of landfill capacity that the City consider aggressive measures to increase diversion. The present bag limit of six provides no incentive to divert waste.
A three container Limit

There are several advantages to implementing a voluntary three container limit for weekly residential garbage collection, including:

- It will reinforce the importance of waste diversion programs to residents.
- It provides an opportunity to consolidate the promotion of the container limit with the 2003-2004 Waste Collection Calendar together with other promotional and educational activities related to the new recycling program, leaf and yard waste collection and the household special waste program changes.
- A voluntary introduction of the program allows monitoring of the program to determine participation and the need to move toward enforcement or fees.
- A voluntary compliance period will enable staff to identify special policy areas, unique housing situations and areas that may have difficulty in achieving the three container limit due to circumstances beyond their control.

It is noted that in any option involving container limits, residents continue to have the ability to take waste to the Transfer Stations.

Risks associated with implementation of a limit is adverse reaction by those who perceive the change as a threat or reduction in service, working out logistics for implementation of a full container limit program and fees, and how to address special policy areas and unique areas of the City. The proposed program will minimize these risks by first taking a voluntary approach and focussing on education for those who are sceptical of the need change. The voluntary program will also provide the time necessary to review detailed logistics and how to address unique areas.

Recommended Option

The option recommended is a phased approach to full implementation. First, it is considered appropriate to proceed with a three container limit for curbside garbage collection. The opportunity to capitalize on the momentum of re-launching the recycling program with the new recycling contracts should not be lost. As previously indicated, information can also be included in the Waste Collection Calendar if a decision is made before the end of January 2003.

The limit would apply initially only to single family households. Additional information is required to determine how a program will work in multi-residential housing and commercial areas.

Containers in excess of three would be collected and notices left behind. The notice will provide information about why the limit is in place and how the amount of garbage could be reduced. The number of notices distributed will be monitored throughout the program to determine the level of compliance and identify areas that may require special attention.

In addition, exceptions can be made for spring and fall clean-ups and during holidays. These weeks should be specified so that they can be included on the waste collection calendar. It is recommended that in 2003 these weeks include May 20 to 24 (the week following Victoria Day), October 14 to 18 (the week following Thanksgiving) and

December 29 to January 3, 2004 (the week following Christmas). During these weeks, residents would be allowed to set out up to six containers for collection. These weeks would be monitored to document the waste collected and the need to continue this practice in future.

The implementation of the three container limit can be an integral part of the Communications Strategy for the recycling program changes that take effect March 31, 2003. Key messages to the public surrounding the container limits will be:

- Recycling and composting can effectively reduce your waste.
- We'll collect as much recyclable and leaf and yard waste that you can set out at the curb.
- Reducing your garbage to three or fewer containers will help us achieve 65% diversion from landfill and extend the life of the Glanbrook Landfill Site.

Compliance with the voluntary program will be monitored throughout 2003. During this time additional information will be gathered on how to address unique areas of the city including but not limited to special policy areas, student housing, low income housing, multi-residential and mixed use areas. The feasibility of moving toward enforcement and introduction of fees will be examined during this trial period. A report will be prepared for Council in early 2004 to recommend a plan for future steps based on the results of the voluntary period.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The Waste Diversion Act, approved in June of 2002, provides for the funding of up to 50% of a municipality's net blue box program costs, based on program efficiencies (quality and quality of material, marketability). To maximize the City's funding opportunities from the WDO, it is imperative that waste diversion programs such as the blue box program be enhanced. With the awarding of the new recycling contracts and additional acceptable recyclable materials, the need for residents to set out six containers is unnecessary, if the City is to maximize this funding opportunity and also to reach the 65% waste diversion target.

Implementation of a voluntary program can be done with existing resources.

POLICIES AFFECTING PROPOSAL:

The policies directly affecting a three container limit are those in the Solid Waste Management Master Plan. This program is consistent with and implements several recommendations of the Master Plan including:

- Recognizing that the Glanbrook Landfill is a valuable resource and that it is the City's responsibility to manage and preserve its capacity for residual materials that cannot be otherwise diverted;
- Contributing to the 65% waste diversion target by 2008;
- Supporting continuous improvement;

- Considering the potential need for a user-pay system to encourage waste diversion and fund the waste management activities; and
- Adopting flexible enforcement systems that become progressively rigorous as waste diversion systems come into operation, recognizing the socio-economic and cultural diversity of the City.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

The proposed three container limit has been discussed with the SWMMP Steering Committee and is in support of a voluntary program for 2003.

A number of Municipalities have been consulted regarding their implemented Container Limit and "Pay as you Throw" systems. References throughout this report refer to the Association of Recycling Coordinators (AMRC) 1996 data.

CITY STRATEGIC COMMITMENT:

Hamilton's Mission, Vision, Values and Goals Statement

The adoption of three container limits for weekly household waste collection would be consistent with Hamilton's Mission, Vision, Values and Goals Statement.

Reducing the amount of waste to landfill makes both economical and environmental sense, and encompasses policies, actions and behaviors that support the City's vision for "…a safe, healthy, sustainable community ….." The reduction and diversion of waste extends the life span of the landfill.

The program fulfils several of the goals for the City, including

- Reducing waste going to the landfill;
- Leading the way in environmental studies and management;
- Maintaining service levels; and
- Best practices - best value, providing residents with a fair level of service for good value, balancing service provision and programs with long term benefit to landfill life.

Sustainable Development – VISION 2020

Goals

A three container limit program is consistent with the goal of safely and responsibly managing waste and reducing the amount of waste generated by residents.

Strategies

Reducing the container limit from six to three containers per week aligns with several of the Strategies for a Sustainable Community for Reducing and Managing Waste, including a waste management plan which focuses on the reduction of curbside waste, providing alternatives to waste disposal through expanded diversion programs and encouraging participation.

Citizen Empowerment

Introducing a reduced container limit, and providing incentives to residents to rethink their waste generation habits empowers residents to take action. The introduction of the partial user pay program represents an attempt to make waste costs more visible and to encourage householders to take more responsibility for the wastes they generate.

Business Plan Process

The recommendations within this report align with the series of guidelines in place regarding the direction of the organization. The introduction of a voluntary three container limit introduces residents to the concept of container limits and their response will determine the need to move forward with enforcement, fees or a "Pay as you Throw" system.

"Appendix A"

Container Limits in Other Ontario Municipalities

Community	Population	Program Description
Markham	175,000	Three container limit
Peterborough	70,000	One container limit, partial user pay, additional containers $2.00
Barrie	100,000	Two container limit, partial user pay, additional containers $1.00
Niagara	425,700	Three container limit, partial user pay, additional containers $1.00, 2 container limit by April 2003
Peel	933,000	Three container limit
Orangeville	22,000	Three container limit
Orillia	38,100	Forty courtesy tags, partial user pay
Owen Sound	21,390	Three container limit (52 courtesy tags), additional containers $1.50
Kingston	226,000	Three container limit, partial user pay, additional containers $2.00
Sudbury	155,219	Three container limit

AFFECTS
WARD 3

CITY OF HAMILTON

14.3

TRANSPORTATION, OPERATIONS & ENVIRONMENT
Roads & Traffic

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Scott Stewart Acting General Manager
Date:	December 17, 2002	**Prepared by:**	S. Russell Extension 5660

SUBJECT: **Request for All-way Stop Control - Vineland Avenue and Spadina Avenue (TOE03006) - (Ward 3)**

RECOMMENDATION:

That the existing eastbound and westbound stop control on Vineland Avenue at Spadina Avenue be retained.

Scott Stewart, Acting General Manager
Transportation, Operations & Environment

EXECUTIVE SUMMARY:

Councillor Bernie Morelli advised of a request from an area resident that all-way stop control be implemented at the intersection of Spadina and Vineland.

The subject intersection is a four-leg intersection where currently, eastbound and westbound traffic on Vineland is required to stop for northbound and southbound traffic on Spadina. Records indicate that there have been two reported collisions at this intersection in the past 4½ years.

The vehicular and pedestrian volumes were found to be relatively low, such that this intersection does not meet the criteria for all-way stop control as approved by City Council.

The intersection was reviewed focusing on such factors as collision history, visibility at the intersection, traffic volumes and existing stop control patterns of the surrounding intersections. Therefore, based on the review of the intersection, it is recommended that the existing eastbound and westbound stop control on Vineland at Spadina be retained.

BACKGROUND:

The information/recommendations contained within this report primarily affects Ward 3.

Staff received a request from an area resident, forwarded through Councillor Morelli's office, for all-way stop control at the intersection of Vineland and Spadina.

Currently, eastbound and westbound traffic on Vineland is required to stop for northbound and southbound traffic on Spadina. Pedestrian and vehicular volumes at this intersection were found to be relatively low. Pedestrians experienced no delays in crossing the intersection.

There have been two reported collisions at the subject intersection in the past 4½ years. Both collisions involved eastbound motorists on Vineland that either failed to stop or yield the right-of-way to northbound traffic on Spadina. In order to improve visibility, staff recently installed a "No Stopping" corner clearance on the west side of Spadina, south of Vineland.

Traffic on Spadina is required to stop one block north and south of the subject intersection. An additional stop in this section would be very restrictive and will often lead to disrespect and poor compliance at stop controls.

Therefore, in view of the above, staff recommends that the existing eastbound and westbound stop control on Vineland at Spadina be retained.

ANALYSIS OF ALTERNATIVES:

All-way stop control is intended to assist in assigning right-of-way to drivers and pedestrians, or to reduce the collision potential at intersections exhibiting a high frequency of angle type collisions. The installation of unwarranted stop control increases driver disrespect of stop signs, and ultimately will increase the potential for collisions at all stop-controlled intersection in the City. Unwarranted all-way stop control locations will also increase the demand on the Hamilton Police Services for enforcement of "fail to stop" infractions.

The following options are available to the residents to address concerns regarding motorists' poor driving habits:

- Participate in the Neighbourhood Speed Watch Program
- Report aggressive drivers to the Hamilton Police Services Road Rage Hotline
- Request enforcement from the Hamilton Police Services

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

POLICIES AFFECTING PROPOSAL:

All-way stop control at the subject intersection is not supported by the City Council approved policy entitled the "Installation Policy for All-way Stop Control at Intersections".

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

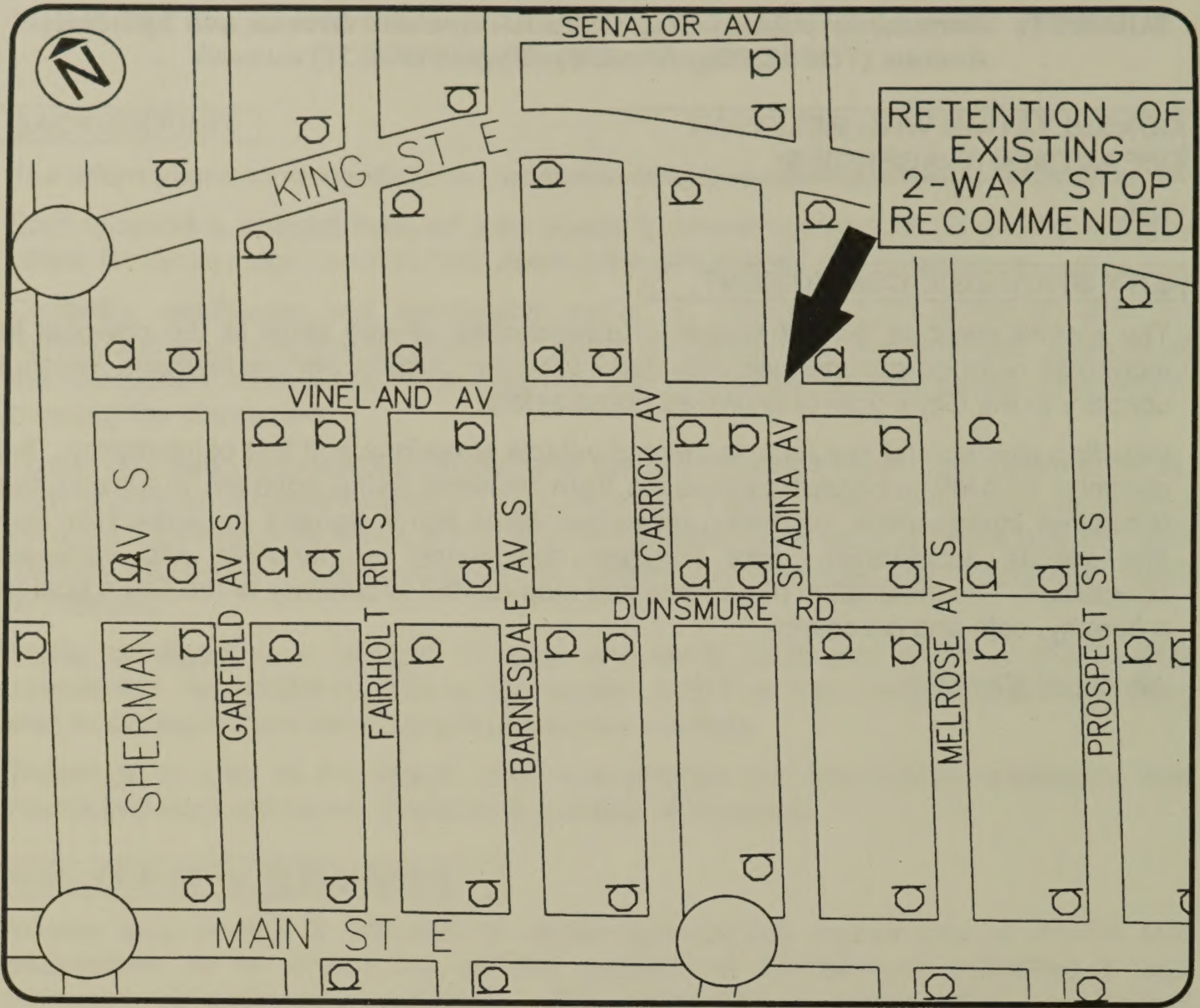
N/A

CITY STRATEGIC COMMITMENT:

The overall effect of the installation of unwarranted all-way stops is the potential for increased collision occurrences with other vehicles, cyclists and pedestrians, which is contrary to the City's goal of improved public safety.

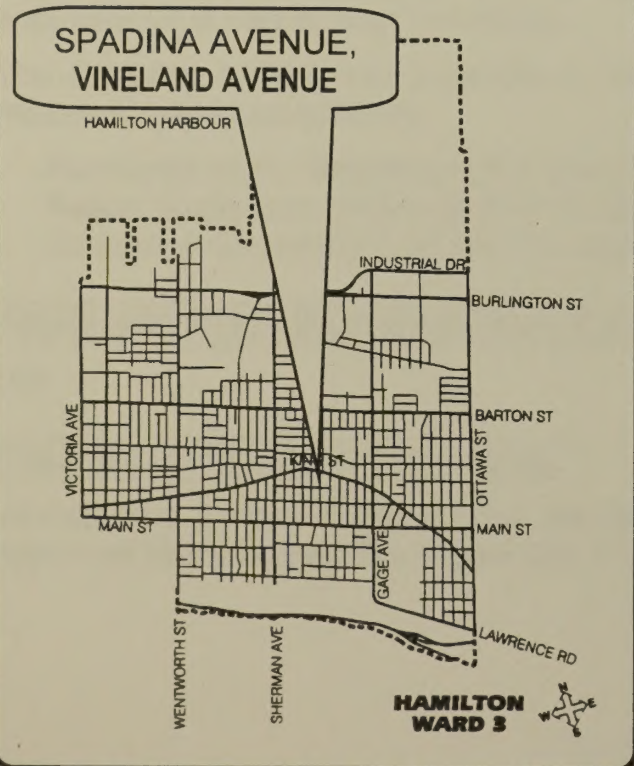
Installing stop control results in increased vehicle emissions and fuel consumption. It is common for staff to receive complaints from residents living adjacent to all-way stop controlled intersections, regarding increased noise levels caused by screeching tires and vehicle acceleration, poor stopping compliance by motorists and increased congestion. The installation of unwarranted stop control is contrary to the City's goal for a healthy, safe and green city.

Attached: Key Map


N
SENATOR AV
KING ST E
VINELAND AV
DUNSMURE RD
MAIN ST E
SHERMAN AV S
GARFIELD AV S
FAIRHOLT RD S
BARNESDALE AV S
CARRICK AV
SPADINA AV
MELROSE AV S
PROSPECT ST S

RETENTION OF EXISTING 2-WAY STOP RECOMMENDED

KEY MAP


SPADINA AVENUE, **VINELAND AVENUE**

HAMILTON HARBOUR
INDUSTRIAL DR
BURLINGTON ST
BARTON ST
KING ST
MAIN ST
VICTORIA AVE
OTTAWA ST
GAGE AVE
WENTWORTH ST
SHERMAN AVE
LAWRENCE RD
HAMILTON WARD 3
W
E

LOCATION PLAN

ALL-WAY STOP
CONTROL REQUEST:
SPADINA AVENUE
AND VINELAND AVENUE
CITY OF HAMILTON
TRANSPORTATION, OPERATIONS & ENVIRONMENT

LEGEND

➡ SUBJECT INTERSECTION

RECOMMENDED		EXISTING	
●	TRAFFIC SIGNAL	○	TRAFFIC SIGNAL
◖	STOP SIGN	◌	STOP SIGN
▼	YIELD SIGN	▽	YIELD SIGN

SCALE
NOT TO SCALE

DATE
2002-12-18

REFERENCE FILE NO: **TOE03006**

SECTION 15

CITY WIDE
IMPLICATIONS

CITY OF HAMILTON

15.1

HUMAN RESOURCES DEPARTMENT
ORGANIZATIONAL DEVELOPMENT & CLIENT SERVICES

FINANCE & CORPORATE SERVICES
INFORMATION TECHNOLOGY SERVICES DIVISION

Report to:	Mayor and Members of Committee of the Whole	**Submitted by**:	Catherine Graham, General Manager Human Resources Joseph L. Rinaldo, General Manager Finance and Corporate Services
Date:	December 3, 2002	**Prepared by:**	Melva Snowling 905-540-5164

SUBJECT: Computer Acceptable Use Policy (HUR02014/FCS02145) (City Wide)

RECOMMENDATION:

a) That the Computer Acceptable Use Policy attached as Appendix "A", be approved; and

b) That the following Policies be repealed:
- City of Hamilton, Computer Acceptable Use Policy – Revision 3, February 12, 2001
- Former City of Stoney Creek – Computer Software Policy CP-13-02, February 22, 1994
- Former City of Stoney Creek – Email and Internet Usage Policy CP-13-03, November 10, 1998
- Former Town of Dundas – Use of Philips P350 Computer, Policy No. 4.05, March 18, 1974
- Former Hamilton Street Railway Company Policy, No. HR1-2-15, Apr. 4, 1994

CGraham

Catherine Graham, General Manager
Human Resources

Joseph Rinaldo

Joseph L. Rinaldo, General Manager
Finance and Corporate Services

EXECUTIVE SUMMARY:

In order to properly protect the Corporation's network infrastructure and computing resources provided by the City to its employees and elected officials, and to properly monitor the use of network services, an updated and strengthened Computer Acceptable Use policy is desirable. This policy would apply to all City of Hamilton employees, elected officials, and other authorized users. It outlines the City's expectations regarding computer usage and sets clear parameters for authorized users to ensure clarity surrounding the use of this corporate resource.

BACKGROUND:

The first Computer Acceptable Use Policy was introduced in the City of Hamilton in 1999. A recent review of this and other policies of the former municipalities revealed a need for an up-to-date, comprehensive policy for the following reasons:

- To set clear parameters for authorized users to ensure that there are no misunderstandings around the use of network and computing resources and so that authorized users are aware of the impact of Human Rights and ethics issues in the virtual workplace
- To protect the City's network and computer equipment from both inadvertent and malicious damage caused through the introduction of viruses, hacking or unauthorized uses.
- To avoid or address privacy issues
- To avoid liability for piracy where software is used and not properly licensed and other liability issues such as inappropriate or illegal email or Internet use.
- To monitor, audit and control Internet use and server storage
- To prohibit unacceptable use of computing resources and to control costs.

A workgroup comprised of representatives from various departments was assembled to examine the current policies for the City of Hamilton and former municipalities. Research was carried out with nine other municipalities and organizations, including some educational institutions.

Monitoring tools are required to easily track and investigate incidents of inappropriate use and to appropriately enforce the policy. Different levels of monitoring can be instituted to support a Computer Acceptable Use policy. These include options that range from logging activity for on-request investigations to automatic blocking based on pre-defined criteria. Approval for the acquisition of such monitoring tools is requested in the 2003 capital budget submission.

As part of the implementation of the Computer Acceptable Use policy, a comprehensive communications plan will be developed to ensure that all employees are aware of and understand the policy. This plan will address current employees, new employees and authorized users in associated boards and agencies and will include the updating of Information Technology's supporting guideline documents on eNet.

ANALYSIS OF ALTERNATIVES:

As a result of the review by the workgroup and consultation with other city departments;

And because of the rapid changes in the Information Technology field;

And because of the liability risk to the City;

It is recommended that there is no alternative to establishing a comprehensive and effective Computer Acceptable Use policy.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Legal Services has advised that the proposed policy does not contravene the following legislation which was considered in preparation of this policy:

The Municipal Freedom of Information and Protection of Privacy Act
The Purchasing By-law of the City of Hamilton
The Ontario Human Rights Code
The Copyright Act
The Criminal Code of Canada

The monitoring tools required to track and investigate incidents of inappropriate use and to appropriately enforce the policy are requested in the 2003 capital budget submission.

POLICIES AFFECTING PROPOSAL:

No policies will be affected except for the old policies to be repealed.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

- Corporate Secretariat
- Transportation, Operations and Environment
- Legal Services
- Employee Policy Review Group
- Social and Public Health
- Risk Management
- Hamilton Public Library

CITY STRATEGIC COMMITMENT:

VALUES:

"Integrity: To demonstrate honesty and sincerity in all of our dealings, upholding only the highest ethical principles; to provide open and transparent communications to create informed opinion."

GOALS:

"A City of choice for high performance public servants – Business and Service Excellence"

"Council will support the administration in its efforts to provide excellence in public service, to be achieved through an integrated approach to planning and performance management, optimal use of technology, well-trained staff and effective management of change."

VISION 20/20:

GOALS:

"To ensure public activities and decisions at all levels of government are coordinated, efficient and effective".

"To have effective plans that identify, reduce and manage risks".

Effective Date:
Replaces Policy No.

COMPUTER ACCEPTABLE USE POLICY

POLICY STATEMENT AND PURPOSE

The City of Hamilton provides employees, elected officials, and other organizations and individuals with access to computer and network services including internet use and email for business purposes.

Access to the Internet enables authorized users to research and obtain information relevant to City business; and to provide information to residents, potential residents, businesses and business prospects of the City of Hamilton.

This Policy outlines the City's expectations regarding computer usage and sets clear parameters for authorized users to ensure clarity surrounding the use of this corporate resource.

Authorized users are expected to practice good judgment and to demonstrate a sense of responsibility and consideration of others, when using the City's network and services. All work undertaken shall be performed in an ethical and lawful manner, demonstrating integrity and professionalism by all users.

SCOPE

This policy applies to all Authorized Users of the City's computer and network services, including but not limited to: City employees and elected officials, (including temporary and contract employees, volunteers, students and interns) and other authorized organizations or individuals

DEFINITIONS:

Access: gaining entry to a network provided by the City to its employees and other authorized users, on or outside city premises, including telework situations and where employees or authorized users are using the network for business purposes or for personal use in accordance with the provisions of this policy on their own time.

Authorized Users: Persons using a computer or computer account in order to perform work in support of City business.

Boot disks: Diskettes used to load a computer's operating system, or "boot up" the computer.

Data: Any formalized representation of facts, concepts or instructions suitable for communication, interpretation or processing by a person or by automatic means.

Instant Messaging: an internet communications service used to send and deliver messages and content immediately. To use the service, users must be logged on to the server that hosts the instant messaging service, eg. private chat room

Internet: The internet is a world-wide collection of networks which is linked through a common communications protocol and which collection of networks is used as a common basis for communications for all types of applications. Use of the Internet specifically includes access to the World Wide Web (WWW).

Listserves: An automated mailing list distribution system that allows users to add or delete themselves from mailing lists without human intervention.

Network: computers and computer systems which can communicate with each other and without restricting the generality of the foregoing, including the internet, networks internal to an institution, as well as closed networks external to an institution.

Telework: Work involving paid staff, undertaken away from the normal place of work, often known as working from home or telecommuting.

Vendor License Agreement: Contract or other document delineating the terms of the software or data use arrangements with the seller/manufacturer.

RELEVANT LEGISLATION:

The Municipal Freedom of Information and Protection of Privacy Act:
The Purchasing By-law of the City of Hamilton
The Ontario Human Rights Code
The Copyright Act
The Criminal Code of Canada

ADMINISTRATION:

This policy is administered by the Finance and Corporate Services Department, Information Technology Services Division

CITY STRATEGIC COMMITMENT:

This policy will support the City's Vision and Mission Commitments.

Values:
"Integrity: To demonstrate honesty and sincerity in all of our dealings, upholding only the highest ethical principles; to provide open and transparent communications to create informed opinion".

Goals:
"A City of choice for high performance public servants." – Business and Service Excellence"

Council will support the administration in its efforts to provide excellence in public service, to be achieved through an integrated approach to planning and performance management, optimal use of technology, well-trained staff and effective management of change.

ACCESS:

All Authorized Users have access to the City's network, including internet access and email.

Privacy: The City of Hamilton respects the privacy of employees. However, any electronic record created on a City computer or sent through the City network is considered to be the property of the City of Hamilton.

USAGE:

The primary use of the City's computer and network services is for business purposes. Limited, occasional or incidental use of the City's network for personal activities is acceptable, provided the privilege is not abused.

Authorized users shall conduct email messaging in the same manner as they would other business correspondence, being mindful of the fact that email transmissions over the Internet are not secure and may be intercepted, and that email is subject to the provisions of The Municipal Freedom of Information and Privacy Act. The City's existing policies on Harassment, Race Relations, Sexual Harassment and Discrimination, also apply to conduct while using the City's computers and network services. Authorized Users are responsible for all email sent from their individual user name, and should take appropriate precautions to ensure that their password is changed regularly and is not shared with anyone, except within the terms of this policy.

The following restrictions apply:

- No information should be distributed on the Internet which would not be distributed under the City's letterhead or logo. Material which is viewed, copied, downloaded or saved should be primarily related to City business. (Refer to auditing section of this policy- page 7)
- Authorized users shall not install or run security programs or utilities which reveal weaknesses in the security of a system, whether internal or external to the City's network. Users shall not, in any way, attempt to access unauthorized/ confidential information to which they have not been previously granted access.
- Information which would not be distributed to members of the public such as draft reports, confidential information or information which is restricted under the Municipal Freedom of Information and Personal Privacy Act, etc., may not be entered on the Internet or sent by email unless it is properly protected, and its distribution has been properly authorized. (See Security Guidelines on enet.)
- Employees must comply with copyright and licensing restrictions on any information which has been downloaded. Any files which have been downloaded must be scanned for viruses.
- Any acquisition of goods or services must be in accordance with the City's Purchasing By-law. Authorized Users may not offer goods or services over the Internet on the City's network for personal use, nor may they send "for sale or wanted to buy" messages on the Internet or by email, other than the "Buy and Sell" board on the City's enet.
- Authorized Users must abide by vendor license agreements. Use of applications and/or data is subject to the license agreement and may not be reproduced in any form without permission from the Vendor. (Refer to City Software License Policy Guidelines).

- Data originating on the City network is owned by the City and may not be distributed outside the City without proper authorization from the owner or custodian of the data.
- Authorized Users are obliged to ensure that their computers' virus scanning software is current. Users are obliged to scan and clean viruses contained in all downloaded files and disks introduced to their computer. This applies to computers connected to the network in all City facilities and to computers used for authorized dialup or other external network access to the city network.
- Authorized Users should be familiar with the Information Technology guidelines on the City's enet.

Acceptable and appropriate Internet and email use includes but is not limited to:

1. Participating in professional, job-related research
2. Distributing work-related correspondence, minutes, agendas, reports, etc.
3. Communicating with staff, official bodies and vendors
4. Responding to public inquiries
5. Accessing job-related distance learning opportunities;
6. Creating job-related information resources
7. Participating in job-related listserves or mailing lists
8. Communicating with staff, elected officials, and appropriate outside bodies such as other levels of government, businesses, city partners, citizen groups and residents.

Unacceptable and inappropriate Internet and email use includes, but is not limited to the following list. The only exception is in performance of work related matters as approved by General Managers, Executive-Directors, of their designates.

1. Participating in Internet Chat groups, or listserves that are not work related.
2. Accessing sites or transmitting material which violates any Canadian federal or provincial law or City by-law or directive, such as defamatory, discriminatory or obscene material, and sites or tools dedicated to computer/network hacking, or sites which in the opinion of management are inappropriate.
3. Accessing, displaying or storing (on the City's network) fraudulent, harassing or obscene email messages; or email messages, graphics or images which are offensive and conducive to a poisoned work environment. *
4. Storing games, game-related data, or personal web site material on any network
5. Installation and use of software and applications banned by Information Technology, including but not limited to: Kaza, Morpheus LimeWire, Donkey 2000, Bear Share, Gnutella, Nutella, iMesh, Blubster. Instant Messaging applications – AIM (AOL Instant Messenger), ICQ, NET, MSN or Windows Messenger, Yahoo Messenger Services.
6. Downloading or storing MP3 files or other music media formats.
7. Sending chain letters and sending junk mail (spamming) or broadcast transmissions (ie) sending a single message to a large number or individual email addresses.
8. Using Internet web-based email systems such as Hotmail, Yahoo, etc. from within the City's network.
9. Sending anonymous messages or accessing the Internet under another person's network identification without such person's permission.
10. Allowing others who are not authorized users to access and utilize city equipment or software.

11. Sharing City account or passwords with any other person (including family members), except as authorized by General Managers, Executive Directors, or their designates.
12. Making unauthorized copies of copyrighted software. It is the responsibility of individual departments to ensure they obtain the appropriate software licensing and the responsibility of authorized users to obtain appropriate licensing for home units.
13. Changing the configuration of City computers through the use of unauthorized boot disks, circumventing city computer security measures, attempting to gain access to a City system for which proper authorization has not been given or probing the security at any computer site, internal or external to the City.
14. Authorized users not logging off their computers at the end of each day or when leaving the workplace for any extended period.

* Inadvertently accessing an inappropriate site or receiving an email with an unacceptable attachment, will not be considered a violation of this policy. Printing, saving or forwarding inappropriate material (except as properly authorized) shall be considered a violation of this policy.

AUDITING: All Authorized Users should be aware that the City's network creates records of every Internet site visited and every message sent by email. If abuse of the City's system, or contravention of this policy is suspected, General Managers, Executive-Directors or their designates may request an audit of the Authorized User's operation of the system.

COMPLIANCE: Failure to comply with this policy may result in appropriate discipline measures up to and including dismissal.

COUNCIL REFERENCE: Approved by Council of the City of Hamilton on , 2002, in report No.

CONTACT: For more information or procedures, contact Information Technology Services, Finance and Corporate Services Department.

SECTION 16

CITY WIDE

CITY OF HAMILTON

16.1

COMMUNITY SERVICES DEPARTMENT
Corporate Buildings and Real Estate

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Councillor Chad Collir Chairman Golf Sub-Committee
Date:	December 16, 2002	**Prepared by:**	Carolyn Biggs 905-546-2604

SUBJECT: **Hamilton Civic Golf Courses - 2003 Golf Operations Strategy (CS02090(A)) (City Wide)**

RECOMMENDATION:

(a) That the three Civic Golf courses be marketed and branded as distinct business units, with the Chedoke Martin representing the entry level market, the Chedoke Beddoe representing the core golfer market and the Kings Forest property representing the 'experience-driven' market, with quality and pricing being representative of their respective category;

(b) That a Pay as You Play pricing strategy be adopted in regard to the aforementioned categories and as outlined in ***Appendix A***;

(c) That the Pay as You Play tee time reservation policy be revised to allow tee time bookings anytime throughout the season. NB: There is no change to the Membership tee time booking policies;

(d) That the Season Pass 60 round cap as adopted in 2002 be repealed and replaced with a 40% - 60% participation mix between Membership and Pay as You Play with rates based on a 5% annual increase as set out in ***Appendix B***;

(e) That the May 31st deadline for the sale of Membership Fees and Value Books be repealed; and that no deadline be set for the purchase of Membership Fees and Value Books;

(f) That two payment plan options be adopted for Membership fees:

(i) four (4) post-dated monthly cheque payments beginning January 1 and running through to April 1; or

(ii) or one lump sum payment due and payable at the time of purchase.

(g) That the Junior and Intermediate age classifications be amended to re-align with industry standards, whereby the Junior age limit moves to 19 from 17 and Intermediate to 24 from 20 and subject to limitations of time and intermediates providing proof of enrolment in a post secondary institution;

(h) That the Junior and Intermediate membership fees adopted in 2002 be repealed and replaced with a tiered pricing strategy based on classification of the courses as outlined in ***Appendix C***;

(i) That a Junior tee time booking policy be adopted to allow for tee time bookings 24 hours in advance and that Junior 'block' times be established at various times throughout the week in order to encourage participation;

(j) That the Tournament rates for 2003 (including charitable events) remain consistent with the pricing strategy adopted by each golf course;

(k) That Report CS02090(a) respecting Hamilton Civic Golf Courses be adopted as a basis for a multi-year golf operations strategy.

Councillor Chad Collins
Chairman

EXECUTIVE SUMMARY:

N/A

BACKGROUND:

The Golf Sub-Committee met on December 5, 2002 to consider recommendations put forward in Report CS02090 with respect to the 2003 golf operations strategy for the Hamilton Civic Golf Courses (Chedoke and King's Forest).

At this meeting, staff gave a presentation including a review of the 2001 operations and financial results, review of 2002 financial results, adjustments to financial statements (2002), analysis of season pass revenue, analysis of pay-as-you-play revenue, and issues to be faced in 2003.

Following discussion, which included input from members of the Executive of both golf courses, a motion was put forward by Councillor M. Ferguson recommending that the City of Hamilton no longer operate the two golf courses. Subsequently, the mover and seconder of the motion agreed to defer the same, pending receipt of information respecting projections for 2003. The Sub-Committee agreed to meet as soon as possible to receive the requested information.

On December 16, 2003, the Golf Sub-Committee met to receive the requested information. Dave Charlton, Head of Golf Operations, Community Services, advised that following the December 5, 2002 meeting of the Sub-Committee, he met with representatives from both King's Forest and Chedoke golf courses to discuss issues raised at the previous meeting.

He outlined the amendments to the recommendations in Report CS02090(a) which addresses and resolves those concerns.

Information respecting projections for 2003 was circulated, as was requested by the Sub-Committee at their previous meeting.

The motion by Councillor M. Ferguson at the December 5 meeting was put, and was defeated. Subsequently, the recommendations contained in this report are presented to Committee of the Whole for consideration.

ANALYSIS OF ALTERNATIVES:

See Report CS02090(a) attached

FINANCIAL/STAFFING/LEGAL IMPLICATONS:

See Report CS02090(a) attached

POLICIES AFFECTING PROPOSAL:

See Report CS02090(a) attached

CONSULTATION WITH RELEVANT DEPARTMENT/AGENCIES:

See Report CS02090(a) attached

CITY STRATEGIC COMMITMENT:

See Report CS02090(a) attached

CITY WIDE

CITY OF HAMILTON

COMMUNITY SERVICES DEPARTMENT
Corporate Buildings and Real Estate

Report to:	Chair and Members of the Golf Sub-Committee	**Submitted by:**	William E. Fenwick, A/General Manager
Date:	December 16, 2002	**Prepared by:**	David L. Charlton 905-540-5378

SUBJECT: Hamilton Civic Golf Courses - 2003 Golf Operations Strategy (CS02090(A)) (City Wide)

RECOMMENDATION:

(a) That the three Civic Golf courses be marketed and branded as distinct business units, with the Chedoke Martin representing the entry level market, the Chedoke Beddoe representing the core golfer market and the Kings Forest property representing the 'experience-driven' market, with quality and pricing being representative of their respective category;

(b) That a Pay as You Play pricing strategy be adopted in regard to the aforementioned categories and as outlined in ***Appendix A***;

(c) That the Pay as You Play tee time reservation policy be revised to allow tee time bookings anytime throughout the season. NB: There is no change to the Membership tee time booking policies;

(d) That the Season Pass 60 round cap as adopted in 2002 be repealed and replaced with a 40% - 60% participation mix between Membership and Pay as You Play with rates based on a 5% annual increase as set out in ***Appendix B***;

(e) That the May 31st deadline for the sale of Membership Fees and Value Books be repealed; and that no deadline be set for the purchase of Membership Fees and Value Books;

(f) That two payment plan options be adopted for Membership fees:

(i) four (4) post-dated monthly cheque payments beginning January 1 and running through to April 1; or

(ii) or one lump sum payment due and payable at the time of purchase.

(g) That the Junior and Intermediate age classifications be amended to re-align with industry standards, whereby the Junior age limit moves to 19 from 17 and

Intermediate to 24 from 20 and subject to limitations of time and intermediates providing proof of enrolment in a post secondary institution;

(h) That the Junior and Intermediate membership fees adopted in 2002 be repealed and replaced with a tiered pricing strategy based on classification of the courses as outlined in ***Appendix C***;

(i) That a Junior tee time booking policy be adopted to allow for tee time bookings 24 hours in advance and that Junior 'block' times be established at various times throughout the week in order to encourage participation;

(j) That the Tournament rates for 2003 (including charitable events) remain consistent with the pricing strategy adopted by each golf course;

William E. Fenwick, A/General Manager
Community Services Department

EXECUTIVE SUMMARY:

The fundamental goal behind the recommendations offered in the *2003 Operations Strategy* are twofold: i) to re-define the product offerings (namely Membership and Pay as You Play options) to re-align with stakeholder expectations and ii) to increase market share by re-positioning each product to maximize occupancy (dynamic pricing strategy). Simultaneously, we will continue to maintain our priorities of affordability, accessibility and self-sustaining operations.

The critical factors in creating new and loyal golfers (as identified by the National Golf Foundation) are: enjoyment of early experiences; encouragement; getting better; understanding the game; affordability and accessibility'. The recommendations herein are aimed at ensuring that we fulfill these needs.

Once implemented, the outcomes will position the City of Hamilton's golf program in a desirable leadership position within the regional and national municipal golf markets.

BACKGROUND:

The recommendations/information contained in report CS02090(A) have City Wide implications.

On October 2, 2001, City Council adopted Item #39 of Report 01-030 of the Committee of the Whole, thereby approving the parameters of operations for the 2002 season. Most significantly, Council's decision was to bring all operating units in house. The 2002 season represents the first year wherein all aspects of the golf operation were operated as an exclusive City enterprise.

Generic Strategic Position and Dynamic Pricing Philosophy

A key component to the 2003 strategic plan is the recommendation to differentiate the three golf course properties. Each course is unique unto itself and attracts golfers who often prefer one layout over the other. Whether it be location, course layout, course conditioning, pricing structure, existing friendships, history or another purpose, it is quite clear that the City of Hamilton has three mutually exclusive products that are diverse and wide-ranging in their potential to reach across all consumer sectors.

Through the development of a comprehensive marketing plan for each facility (focused on delivering targeted programs, tailored products, dynamic pricing and skills training) with each facility geared towards its target market will go a long way in ensuring a positive end result and delivery of services.

The Generic Strategy proposed for adoption by the City of Hamilton Civic Golf Courses is that of ***Focus***.

'This is a very different strategy from cost leadership or differentiation. It relies on the organization to make a choice of who it will serve and focuses its energies, resources, and skills on becoming outstanding at serving the market segment it has chosen. Focus has two variants: *cost focus* and *differentiation focus*. In a cost-focus strategy, the organization seeks cost leadership for its target segment. In a differentiation-focus strategy, the organization seeks to occupy a unique position for this segment because it has differentiated its product or service along some dimension highly valued by the segment.

Definition of Generic Strategy:

A generic strategy is ***a systematic approach by an organization to its markets, operations, and management which it intends to sustain over time because it sees the strategy as leading to sustainable above-average performance and competitive advantage.*** Generic strategy is an approach not simply to markets, but to the fundamental means by which the organization manages its commitment and resources'[1].

PAY AS YOU PLAY

Rates and Fees

Recommendation: The rate and fees for Pay as You Play in 2003 are aimed at increasing participation and occupancy levels. New Early Bird and additional Twilight offerings are designed to increase participation through offering attractive price points.

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[1] 'The Nature of Competitive Strategy' Athabasca University, Strategic Thinking, MBA Program 2000

Tee Time Reservation Policy:

Currently, Pay as You Play four (4) days in advance. All unbooked tee times open 48 hours in advance to all groups.

Recommendation: Allow the Pay as You Play golfer the ability to book well in advance by using a credit card number to confirm tee time booking. Since tee times are 'block reserved' by user group, this will enable golf shop staff to increase occupancy without affecting the season pass golfer. The end result will be a more customer-friendly booking policy and will increase overall course usage as many players, especially tourists require times well in advance of four (4) days.

MEMBERSHIP

Rates & Fees:

Recommendation: Repeal the existing policy limiting Members to a sixty (60) round annual cap and return to an unlimited rounds approach. This recommendation would allow for *unlimited golf – at limited times*. In other words, control is based on a percentage participation split between Members (40%) and Pay as You Play golfers (60%), not a predetermined number of rounds.

The cap has had a significant impact on Membership revenues since its introduction this season. In today's competitive marketplace, customers are looking for choice in their golf and non-golf activities. Mandating a precise limit on the total number of rounds available has resulted in three scenarios: i) the number being just right; ii) the number being too high and iii) the number being too low. The vast majority of season pass holders have fallen into the last two categories and has resulted in activity levels being much lower than 2001 totals.

The re-introduction of the unlimited golf approach will also see a reasonable pricing strategy employed. The recommended pricing strategy will see an annual increase to all Membership categories of 5% for a three (3) year period. Based on 2002 actual membership numbers, this strategy will translate into a $74,000 increase in membership revenues in 2003.

Tee Time Reservation Policy

Currently Membership holders are allowed to book five (5) days in advance. All unbooked tee times open 48 hours in advance to all groups. There is no change to this policy.

Membership Fee Payment Plan

Currently, payment for Membership Fees are due in full on or before May 31st annually.

Recommendation: Allow for payment of Membership Fees to be in one lump sum (at time of purchase) or spread over a four (4) month period (January 1 – February 1 – March 1 – April 1) by post-dated cheque(s).

Benefit: All Customers would have an affordable and consistent approach to purchasing Membership Fees; improves cash flow by spreading payments out over a longer period of time; and reduces banking charges associated with credit card payments.

This recommendation comes from past criticism that internal employees of the City of Hamilton were given an unfair advantage through pay roll deduction. The intent of post dated cheques is to allow both internal and external golf participants the ability to pay over time, thus levelling the field, and hopefully making participation more accessible.

Eliminate Sales Deadline for Memberships and Value Books:

Currently, the deadline for both memberships and value books is May 31st annually.

Recommendation: Eliminate the May 31st deadline. This would allow the customer to decide whether or not the use of either option is good value. Many golfers can still justify the costs of purchasing the 40 round value book well into the golf season and are asking for this service. As well, new residents have asked to purchase either a season pass or value book, but are unable to do so because they have moved to Hamilton after the May 31 deadline.

Benefit: Potential for increased revenue by expanding the window of opportunity to purchase reduced rate green fees.

JUNIOR AND INTERMEDIATE PROGRAM

Junior and Intermediate Age Classifications

Recommendation: A Junior shall be anyone under the age of 19 years as of the 1st day of September of the current calendar year. Subject to time restrictions.

An Intermediate shall be anyone over the age of nineteen years, and under the age of twenty-five years as of the 1st day of September of the then current year, and who is in full time attendance at a post-secondary educational institution. Subject to time restrictions.

Rates and Fees:

The same philosophy used in determining Pay as You Play rates is used to determine the Junior and Intermediate membership fees for 2003. The end goal is to increase participation and develop lifetime golfers for today and tomorrow.

An integral part of any Junior golf program is the ability to create a positive environment that is conducive to learning the game. A major focus of successful training programs includes a lesson program(s) that is geared towards etiquette training, swing fundamentals and course management.

Junior Tee Time Booking Policy

Recommendation: That Junior's be allowed to book tee times, 24-hours in advance, to alleviate some of the uncertainty that presently exists. Allowing the opportunity to pre-book tee times will allow both parents and offspring the chance to plan their recreational activities better and do away with having kids dropped off with no certainty of being able to play.

Recommendation: That Junior 'block' times throughout the week (at non-prime times) be established to encourage participation and that Junior's can book any unused tee times 24 hours in advance.

ANALYSIS OF ALTERNATIVES:

Season Pass - Option #2:

This option would see a totally revised membership package that, for a nominal annual fee of $295. per person, would give participants the following:

- 25% discount off the posted green fee rate
- Blocked weekend tee times
- Free golf following all tournament shotguns
- Reduced power cart fees
- Free use of pull cart
- Hole in One Insurance
- Membership in RCGA/CLGA
- Computerized handicap system
- Member updates via e-mail with promotional offers, events, meeting and banquet booking incentives

Under this model, the golfer would then pay as he plays but rates would be discounted at a recommended rate, example 25% off posted green fee rates.

For members interested in competitive play, the Civic Golf Courses would operate 4 leagues:

Women's Tuesday League - Tuesday Morning
Business Women's League - Saturday Morning
Men's Midweek League - Wednesday Mornings
Men's Weekend League - Saturday and Sunday Mornings

This option would still enable golfers to maintain their Club affiliation and continue the Club tournament functions as in past years.

Critical Point #1: It is important to realize that control over the maximum number of rounds sold/used by each group is strictly adhered to, regardless of what direction is taken, in order to fulfil a prime directive, that of accessibility.

Critical Point #2: An important point in the above strategies is the ability to market and advertise well in advance of the 2003 season and should therefore be considered time-sensitive in nature.

It is important to recognize the needs of both stakeholder groups and that they remain balanced and clearly defined. It should also be recognized that each group competes for the same days and times and makes critical point #1 that much more of a concern. This does not take into consideration the further demands placed on tee times by tournament play (season pass and/or outside events).

The key issue behind any tactic used to increase participation is to control the percentages of each stakeholder group.

FINANCIAL/STAFFING/LEGAL IMPLICATONS:

Financial

The recommendations herein are intended to improve performance through increased occupancy and reduced costs.

The University of Guelph partnership may impact on revenues and physical condition of the golf course in the future.

Staffing

There are no staffing implications arising out of this report.

Legal

There are no identified legal implications arising out of this report.

POLICIES AFFECTING PROPOSAL:

N/A

CONSULTATION WITH RELEVANT DEPARTMENT/AGENCIES:

N/A

CITY STRATEGIC COMMITMENT:

This report is consistent with a number of goals as adopted by City Council under the Strategic Plan, specifically:

A City of Growth and Opportunity
Developing Partnerships for Hamilton with Other Levels of Government
Attracting and Retaining Business

A Great City in Which to Live
Providing Quality Community services
Supporting People in Need, with Care
Young Hamiltonians are Part of Being Great

A Healthy, Safe and Green City
Leading the Way in Environmental Studies and Management
More Trees Please

A City That Spends Wisely and Invests Strategically
Maintain Service Levels
Best Practices – Best Value

A City of Choice for High Performance Public Servants
Employer of Choice
Learning Organization
Business and Service Excellence

2002 Year in Review

The Hamilton Civic Golf Courses underwent significant change in 2002. The City assumed control over all aspects of operation (golf shop and food and beverage operations at Chedoke and King's Forest).

The changeover in operations was extremely tight from a start-up and human resource management perspective that impacted on the overall success of the business. This said, the framework has been established that will enable the entire operation to move towards the goals as set forth in this golf operations strategy.

The following are meant to highlight some of the successes achieved to date:

Launch of the Golf Hamilton web site located on the city's homepage (www.city.hamilton.on.ca\golf);

Promotional literature designed to promote the golf product to local and regional golf 'Pay as You Play' market;

Participation in the 2002 Golden Horseshoe Golf and Travel Show;

Bunker redesign project continued at King's Forest with three additional holes completed in 2002;

Point of Sale computer system for increased control of inventory and retail sales and operational reporting;

Tournament packaging and promotion that involved all areas of operation;

Relocated the 7th green on the Martin course due to Risk Management identification.

Appendix A

2003 Pay as You Play Rates
(Proposed)

Facility Name	Category	2003 Rates	2002 Rates
Chedoke – Martin	Early Bird (Dawn to 7:59)	15	N/A
	Weekday	20	31
	Weekend	25	33
	Senior/Junior	15	24
	Twilight 1 (4 hrs. before dusk)	15	22
	Twilight 1 Weekend	20	N/A
	Twilight 2 (2 hrs. before dusk)	10	17
	Twilight 2 Weekend	15	N/A
	9 Hole Rate	15	21
	Tournament Rate (per player)	18	Various
	Charity Tournament (per player)	15	Various
Chedoke – Beddoe	Early Bird (Dawn to 7:59)	30	N/A
	Weekday	35	35
	Weekend	40	39
	Senior/Junior	30	28
	Twilight 1 (4 hrs. before dusk)	25	26
	Twilight 1 Weekend	30	N/A
	Twilight 2 (2 hrs. before dusk)	20	19
	Twilight 2 Weekend	25	N/A
	9 Hole Rate	25	23
	Tournament Rate (per player)	33	Various
	Charity Tournament (per player)	30	Various
King's Forest	Early Bird (Dawn to 7:59)	40	N/A
	Weekday	44	39
	Weekend	49	44
	Senior/Junior	34	31
	Twilight 1 (4 hrs. before dusk)	29	28
	Twilight 1 Weekend	34	N/A
	Twilight 2 (2 hrs. before dusk)	24	21
	Twilight 2 Weekend	29	N/A
	9 Hole Rate	29	26
	Tournament Rate (per player)	44	Various
	Charity Tournament (per player)	38	Various

Appendix B

2003 Membership Rates
(Proposed)

2003 Membership Fees	Adult		Couples		Senior		Weekday	
	2002	2003	2002	2003	2002	2003	2002	2003
Plan "A"								
Hamilton Residents								
Chedoke (Martin)	830	872	1,400	1,470	585	614	600	630
Chedoke (Beddoe & Martin)	1250	1,313	2,250	2,363	890	935	920	966
King's Forest	1250	1,313	2,250	2,363	890	935	920	966
City Wide	1545	1,622	2,590	2,720	1,125	1,181	1,165	1,223
Non-Residents								
Chedoke (Martin)	970	1,019	1,570	1,649	735	772	750	788
Chedoke (Beddoe & Martin)	1410	1,481	2,460	2,583	1,070	1,124	1,100	1,155
King's Forest	1410	1,481	2,460	2,583	1,070	1,124	1,100	1,155
City Wide	1780	1,869	3,040	3,192	1,360	1,428	1,400	1,470
Plan "B"								
Hamilton Residents								
City Wide	480	504	790	830	370	389	385	404
on-Residents								
City Wide	605	635	935	982	495	520	510	536

Appendix C

Junior and Intermediate Fees

SEASON PASS FEES	Junior Fees*		Intermediate Fees**	
	2003	2002	2003	2002
Chedoke - Martin	**250**	310	**500**	585
Chedoke - Beddoe	**350**	410	**700**	890
King's Forest	**450**	410	**900**	890

Junior*

Anyone under the age of 19 years as of the 1st day of September of the current calendar year shall be deemed a Junior golfer. Subject to time restrictions.

Intermediate**

Anyone over the age of 19 years, and under the age of 25 years as of the 1st day of September of the then current year, and who is in full time attendance at a post-secondary educational institution shall be deemed an Intermediate golfer. Subject to time restrictions.

SECTION 17

SECTION 18

18.1

Mayor Robert E. Wade
City of Hamilton

November 29, 2002

Tourism Hamilton
34 James Street South
Hamilton, ON L8P 2X8

Attn: John Gibson, President, Board of Directors
Tourism Hamilton Inc.

Dear ~~Sir~~: John

Council, at its meeting held November 27, 2002, considered your correspondence respecting the establishment of a Task Force to address concerns regarding the downtown. Please be advised that Council has referred this correspondence to the Committee of the Whole for discussion.

Yours truly,

Bob

Robert E. Wade
Mayor

c.c. Mary Gallagher, Co-ordinator, Committee of the Whole/Council
Neil Everson, Executive Director, Economic Development

71 Main Street West, Hamilton, ON L8P 4Y5
Tel: 905.546.4200 • Fax: 905.546.2340 • Email: mayorwade@city.hamilton.on.ca • Web: www.city.hamilton.on.ca

Hamilton

Tourism Hamilton
34 James Street South
Hamilton, Ontario L8P 2X8
www.tourismhamilton.info

November 11, 2002

His Worship
Mayor Bob Wade
The City of Hamilton
71 Main Street West
Hamilton, ON L8P 4Y5

Dear Mayor Wade:

At its meeting of October 25, 2002, the Board of Directors of Tourism Hamilton discussed a letter written by Board member, Mr. Oscar Kichi, (please see attached letter) concerning the cleanliness and security in the downtown core.

The Board requested that I write City Council on behalf of Tourism Hamilton to ask that a task force be established to address these two issues of concerns regarding the downtown. A representative of the Tourism Board of Directors would be willing to serve on the task force.

The suggested purpose of the task force would include: walking the downtown at regular, scheduled intervals to assess cleanliness and safety "violations"; noting these violations and forwarding them to the appropriate agencies for follow up action; reporting its activities to City Council and other stakeholders (e.g. Tourism Hamilton).

Tourism Hamilton staff have already discussed Mr. Kichi's letter with Ron Marini, Director, Downtown Renewal, and have forwarded copies to Peter Crockett, General Manager of Transportation, Operations and Environment and Mike Shea of the Hamilton Police Services.

The Board of Directors of Tourism Hamilton looks forward to hearing back from City Council on this concept of a downtown task force.

Sincerely,

John Gibson
President, Board of Directors
Tourism Hamilton Inc.

c. Board of Directors, Tourism Hamilton Inc.
David Adames, Executive Director, Tourism Hamilton Inc.
Ron Marini, Director, Downtown Renewal Office
Peter Crockett, General Manager, TOE
Mike Shea, Hamilton Police Services

SECTION 19

19.1

MOTION

Council Date: January 7, 2002

MOVED BY COUNCILLOR POWERS……………………………………………

SECONDED BY COUNCILLOR…………………………………………………

That notwithstanding direction already suggested by City Council and Senior Staff in earlier 2003 budget committee meetings, the following be investigated by finance staff in preparation for future budget discussions:

(a) city staffing levels be maximized at 95% of the December 31, 2000 FTE's.

(b) user fees be increased a minimum of 5% unless evaluation would recommend otherwise.

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2003

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City of Hamilton

AGENDA

COMMITTEE OF THE WHOLE 03-002

BUDGET AGENDA FOR ITEMS SCHEDULED FROM

Thursday, January 9, 2003
9:30 a.m.

to

9:30 a.m.
Friday, January 24, 2003

Council Chamber
Hamilton City Hall
71 Main Street West
Hamilton, Ontario

Please note: **Please retain this agenda as it will not be reproduced for each scheduled Budget meeting in the month of January.**

Agenda available on-line at www.hamilton.ca
(click on "City Government")

1. DECLARATIONS OF INTEREST

2. BUDGET DISCUSSION

2.1 Mayor's Remarks

2.2 Introductory Remarks by City Manager

- I. Budget Highlights
- II. 2002 Achievements
- III. Issues
- IV. Long Term Implications
- V. Council Priorities/Strategic Plan
- VI. Process Outline

2.3 Finance Staff Overview

- I. Revenues
- II. Expenditures
- III. Staffing
- IV. Tax Rate Impacts
- V. Capital Budget

2.4 Questions

2.5 **Budget Deliberations**

2.5.1 2003 Tax Supported Operating & Capital Budget (FCS03001)

a) Legislative - Office of the Mayor, Legislative and Volunteer Committees
  - i) Presentation - Overview
  - ii) Operating Budget Request **(Book 2B) Appendix 2-10, Page 909**
  - iii) Capital Budget Requests **(Book 2B) Appendix 2-10, Page 911**

b) City Manager
  - i) Presentation - Overview
  - ii) Operating Budget Request - Council Review and Discussion **(Book 2B) Appendix 2-10, Page 911**

c) Corporate Secretariat
   - i) Presentation - Overview
   - ii) Operating Budget Request - Council Review and Discussion **(Book 2A) Appendix 2-2, Page 20**
   - iii) Capital Budget Request - Council Review and Discussion **(Book 2A) Appendix 2-2, Page 69**
   - iv) Additional Staff Reports for consideration:
     1. Forum for Young Hamiltonians Programme (CSE02008)
     2. People's Panel (City Wide)

d) Economic Development
   - i) Presentation - Overview
   - ii) Operating Budget Request - Council Review and Discussion - **(Book 2A) Appendix 2-3, Page 92**
   - iii) Capital Budget Request - Council Review and Discussion **- (Book 2A) Appendix 2-3, Page 92**

e) Human Resources
   - i) Presentation - Overview
   - ii) Operating Budget Request - Council Review and Discussion **(Book 2A) Appendix 2-4, Page 97**

f) Planning and Development
   - i) Presentation - Overview
   - ii) Operating Budget Request - Council Review and Discussion **- (Book 2A) Appendix 2-6, Page 292**
   - iii) Capital Budget Request - Council Review and Discussion **- (Book 2A) Appendix 2-6, Page 294**
   - iv) Additional Staff Reports for consideration:
     1. The Hamilton Affordable Housing Partnership Initiative (HAHPI) - Implementation of the Housing Partnership Fund (PD02001a))
     2. Proposed 10 Year Capital Budget for Downtown Hamilton, the West Harbourfront, and other Downtowns and Business Improvement Areas (PD02235/CS02105/TOE03007)

g) Finance and Corporate Services
   - i) Presentation - Overview
   - ii) Operating Budget Request - Council Review and Discussion - **(Book 2A) Appendix 2-5 Page 70**
   - iii) Capital Budget Request - Council Review and Discussion **(Book 2A) Appendix 2-5, Pages 190, 210, 271**

h) Corporate Financials and Non-Program Revenues Operating Budget **(Book 2B) Appendix 2-10, Pages 924 and 940**

i) Community Partnership Program (external grants), Boards and Agencies (excluding Police Services Board)
(Book 2B) Appendix 2-10, Page 915

j) Community Services
    - i) Presentation - Overview
    - ii) Operating Budget Request - Council Review and Discussion - **(Book 2B) Appendix 2-9 Page 766**
    - iii) Capital Budget Request - Council Review and **Discussion (Book 2B) Appendix 2-9, Pages 804, 828, 830, 856, 879**
    - iv) Additional Staff Reports for consideration:
        1. Fee Waiver Policy (CS02009b)
        2. Aquafit User Fees (CS02001b)
        3. Tree Cutting By-law for Private Property in the City of Hamilton (PD02229/CS02106)

k) Transportation, Operations and Environment
    - i) Presentation - Overview
    - ii) Operating Budget Request - Council Review and Discussion **(Book 2B) Appendix 2-8 Page 596**
    - iii) Capital Budget Request - Council Review and Discussion **(Book 2B) Appendix 2-8 Pages 636, 638, 675, 711, 722, 723, 724, 753**

l) Police Services Board
    - i) Operating Budget **Request (Book 2B) Appendix 2-10, Page 935**
    - ii) Capital Budget Request **(Book 2B) Appendix 2-10, Page 939**

m) Social and Public Health Services
    - i) Presentation - Overview
    - ii) Operating Budget Request - Council Review and Discussion **(Book 2A) Appendix 2-7, Page 412**
    - iii) Capital Budget Request - Council Review and Discussion **(Book 2A) Appendix 2-7, Page 479**

n) 2003 Tax Supported Capital Budget & Financing Plan **(Book 1) Appendix 1-9**

o) 2003-2012 Tax Capital Budget Forecast by Department **(Book 1) Appendix 1-10 and 1-11**

p) 2003 Tax Supported Capital Budget & financing Plan **(Book 1) Appendix 1-12**

q) User Fees **(Book 1) Appendix 1-13**

r) Approval of the 2003 Tax Levy

s) Authority and approval for the by-law for the purposes of establishing the tax levy

2.6 MOTIONS

2.6.1 Motion by Councillor Powers respecting city staffing levels and user fees

3. ADJOURNMENT

OUTSTANDING ITEMS/"PARKING LOT"

	Issue	Date Action Initiated	Lead Dept/Div	Status	Agenda Item

SECTION 2

CITY WIDE IMPLICATIONS

2.5.1

CITY OF HAMILTON

Finance & Corporate Services
Budgets & Fiscal Policy

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Joseph L. Rinaldo, General Manager
Date:	December 30, 2002	**Prepared by:**	Roberto Rossini 546-5423

SUBJECT: 2003 Tax Supported Operating & Capital Budget (FCS03001) (City Wide)

RECOMMENDATION:

a) i. That the Office of the Mayor, Legislative and Volunteer Committees operating budgets (Book 2B) as per Appendix 2-10, page 909 to FCS03001, be approved.

ii. That the Office of the Mayor and Legislative capital budget (Book 2B) as per Appendix 2-10, page 911 to FCS03001, be approved.

b) That the City Manager's operating budget (Book 2A) as per Appendix 2-1 to FCS03001 be approved.

c) i. That the Corporate Secretariat Department operating budget (Book 2A) as per Appendix 2-2 to FCS03001, be approved.

ii. That the Corporate Secretariat Department capital budget (Book 2A) as per Appendix 2-2, page 69 to FCS03001, be approved.

d) i. That the Economic Development Department operating budget (Book 2A) as per Appendix 2-3 to FCS03001, be approved.

ii. That the Economic Development Department capital budget (Book 2A) as per Appendix 2-3, page 92 to FCS03001, be approved.

e) That the Human Resources Department operating budget (Book 2A) as per Appendix 2-4 to FCS03001 be approved.

f) i. That the Planning & Development Department operating budget (Book 2A) as per Appendix 2-6 to FCS03001, be approved.

ii. That the Planning & Development Department capital budget (Book 2A) as per Appendix 2-6, page 294 to FCS03001, be approved.

g) i. That the Finance & Corporate Services Department operating budget (Book 2A) as per Appendix 2-5 to FCS03001, be approved.

ii. That the Finance & Corporate Services Department capital budget (Book 2A) as per Appendix 2-5, pages 190, 210 and 271 to FCS03001, be approved.

h) That the Corporate Financials and Non-Program Revenues operating budget (Book 2B) as per Appendix 2-10, pages 924 and 940 to FCS03001, be approved.

i) That the Community Partnership Program (i.e. external grants), Boards and Agencies operating budgets (Book 2B) as per Appendix 2-10, page 915 to FCS03001, be approved.

j) i. That the Community Services Department operating budget (Book 2B) as per Appendix 2-9 to FCS03001, be approved.

ii. That the Community Services Department capital budget (Book 2B) as per Appendix 2-9, pages 804, 828, 830, 856 and 879 to FCS03001, be approved.

k) i. That the Transportation, Operations & Environment Department operating budget (Book 2B) as per Appendix 2-8 to FCS03001, be approved.

ii. That the Transportation, Operations & Environment Department capital budget (Book 2B) as per Appendix 2-8, pages 636 to 638, 675, 711, 722 to 724 and 753 to FCS03001, be approved.

l) i. That the Police Services Board operating budget (Book 2B) as per Appendix 2-10, page 935 to FCS03001, inclusive of the recommended program reductions totalling $405,000, be approved.

ii. That the Police Services Board capital budget (Book 2B) as per Appendix 2-10, page 939 to FCS03001, be approved.

m) i. That the Social & Public Health Department operating budget (Book 2A) as per Appendix 2-7 to FCS03001, be approved.

ii. That the Social & Public Health Department capital budget (Book 2A) as per Appendix 2-7, page 479 to FCS03001, be approved.

n) That the 2003 Tax Supported Capital Budget & Financing Plan as identified in Book 1, Appendix 1-9 of report FCS03001, be approved.

o) That the 2003-2012 Tax Capital Budget Forecast by Department identified in Book 1, Appendix 1-10 and 1-11 to report FCS03001, be approved, in principle as a forecast.

p) That the 2003 Tax Supported Capital Budget & Financing Plan for the Expressway in the amount of $19,626,000, including additional debenture financing in the amount of $10,533,000 as per Book 1, Appendix 1-12 to report FCS03001, be approved.

q) That the User Fees contained in Book 1, Appendix 1-13 to FCS03001, be approved.

r) That the 2003 Tax Levy of $ 494,762,380, representing a municipal tax levy impact of 3.5% (after assessment adjustment) and a residential municipal tax increase of 5.8% (4.6% or less inclusive of anticipated education rates) be approved.

s) That the Director of Legal Services & Corporate Counsel be authorized to submit, for Council's approval, the necessary by-law for the purposes of establishing the tax levy in accordance with the Recommendations contained herein.

Roberto Rossini for

Joseph L. Rinaldo, General Manager
Finance & Corporate Services

EXECUTIVE SUMMARY:

OVERVIEW & HIGHLIGHTS

Introduction

The 2003 Tax Budget & Business Plan documents present the third budget for the new, amalgamated City of Hamilton. While this has been the most difficult budget to prepare since amalgamation, it represents a fair and balanced approach towards solving the City's fiscal dilemmas and ultimately putting both our short and long term financial prospects on a more sound and sustainable basis.

In July of 2002, Council approved a financial guideline which staff has used as the basis or target when developing the recommended budget total. The overall tax levy guideline (including police services) was set at a 3.5% increase, which would translate into a 5.8% municipal residential tax impact (4.6% total property tax impact including education).

Although difficult choices will have to be made, the 2003 Budget plan recommended herein by staff meets this tax guideline – but to do so incorporates $41 million in reductions and staff cuts of about 150 FTE's/full time equivalents.

New for 2003, has been the introduction of a "business planning" model for the preparation of departmental budgets. A business planning approach to budget preparation will in of itself not solve the City's financial problems. However, as business planning becomes more refined, budgets will:

- more closely reflect Council's strategic goals and priorities,
- be aligned with specific planned outcomes and customer benefits; and
- facilitate better / easier corporate decision making.

The 2003 Budget will likely be a long and difficult process and there are no short term, band aid solutions. The revenue and fiscal measures recommended in the 2003 Budget begin to lay the foundation for a more stable and sustainable longer term outlook to better match City spending with available resources.

Reviewing the 2002 Tax Budget

Before we deal with the challenges facing Hamilton in 2003, it would be useful to review the successes and pressures faced during the 2002 City Budget. Hamilton entered its second fiscal year after a very successful inaugural budget. The 2001 Budget avoided any residential tax increases, funded many service / program pressures, and still delivered $12.3 million in municipal business tax cuts under the newly introduced Business Tax Reduction (BTR) plan (the Province also contributed $12.3 million to the BTR). This was all made possible through $23 million in amalgamation-related budget reductions and savings.

After completing a strategic planning exercise in November of 2001, Council embarked on the 2002 Tax Budget which was built on a set of approved priorities. Council and the 2002 Budget would focus on:

- economic development as its number one priority;
- meeting legislated / mandated service standards; and
- maintaining existing infrastructure.

The 2002 Tax Budget approved a $477.1 million tax levy that represented a modest 3.4% increase over 2001. However, because of the Hamilton's very high business taxes, the City faces the constraints of provincial legislation (Bill 140, the Continued Protection to Taxpayers Act) which prevents tax levy increases from being passed on to the non-residential sector (i.e., multi-residential, commercial and industrial property classes). Therefore, the 3.4% levy increase in 2002 resulted in an average residential property tax rate increase for municipal purposes of 5.7% (4.5% when education taxes were factored in).

While the budget process was particularly difficult given the many pressures and financial constraints facing the City, the 2002 Budget did deliver a number of key successes. More specifically:

➢ Additional resources ($4.2 million) were provided for improving public health and income & employment services.

➢ Funding for transit services for the disabled was increased by $1.2 million or almost 17%.

➢ Major enhancements for land ambulance services were implemented at a cost of $2.5 million which represent a 39% budget increase.

➢ Service improvements to fire protection and suppression in Ancaster (about $100,000) and Dundas ($300,000) were approved.

➢ $3.5 million or 4.3% more for policing services.

➢ More funding ($300,000) was provided in the area of economic development services and the new tourism office.

Another important component of the 2002 Budget was the Business Tax Reduction (BTR) Plan. The Budget delivered badly needed business tax cuts ($7.1 million municipal share). The Province partnered with the City by matching our tax cut program. Together, the Province and the City combined to deliver $18.7 million in tax cuts:

➢ -5.0% for commercial properties
➢ -9.3% for industrial properties; and
➢ -10.6% for large industrial properties.

Hamilton's business taxes are amongst the highest in Ontario and commercial / industrial tax rates are 350% to 600% higher than residential rates in the City. Cutting business taxes relates to Council's Strategic Commitment to enhance economic development in the City by improving our tax competitiveness.

2003 Budget Context: The Municipal Environment

The 2003 Tax Budget represents the most difficult yet for the amalgamated City of Hamilton. All municipalities face significant challenges brought about by inflationary cost pressures, rising program service needs in such areas and social, health, emergency and police services, and infrastructure renewal requirements. Over the last few years these common problems have been compounded in Hamilton by an ageing inner city core, industrial decline, high business tax rates and higher than average social / health services needs brought about by lower incomes.

Municipalities all across Ontario have been struggling with Provincial and Federal downloading of social and health services costs. Increased reliance on the property tax base for funding non-traditional, human services costs has put pressure on municipal budgets at the expense of more traditional "hard" municipal services. The result – an increasing infrastructure back log and rising property taxes. For example, in 2002 residential property tax increases in southern Ontario were in the 1.5% to 5% range. Even some of the most affluent communities in the country experienced pressure on their budgets and had municipal tax increases despite vigorous assessment / revenue growth:

- York Region 2.3% tax increase even though 5.1% assessment growth
- Peel Region 2.1% tax increase even though 3.5% assessment growth
- Halton Region 3.1% tax increase even though 2.5% assessment growth
- Waterloo Region 2.6% tax increase even though 3.0% assessment growth

For slower growth municipalities, the problem compounds:

- London 4.6% tax increase with only 1.1% assessment growth
- Windsor 4.8% tax increase with only 1.1% assessment growth

Accordingly, the problems faced by Hamilton in 2002 and 2003 are not unique to us alone.

2003 Budget Priorities

Given the fiscal realities faced by the City of Hamilton, the 2003 Tax Budget attempts to focus on the following priorities:

1. Continue to foster and encourage economic growth and improved competitiveness through the BTR plan and strategic infrastructure investments.

2. Make important re-investments to maintain the City's existing infrastructure.

3. Continue to support cost pressures within fire protection, land ambulance and police services.

4. Take the necessary steps to ensure future fiscal sustainability by controlling and reducing program spending. By “putting our financial house in order” we must recognize the difficult reality that current service levels and programs are not aligned with the taxation resources available to fund these costs in the long run.

The 2003 Budget contains proposals for staffing reductions, program / service level cuts and user fee increases, but it tries to do so in the most compassionate manner possible. Council will be faced with very difficult service delivery issues and decisions will have to be made based upon a delicate balance between community needs and people’s ability to pay. Although we face tough but necessary choices as the City struggles to gain control over its finances, the goal of the 2003 Budget is to achieve sustainable programs, spending and taxes in the long run.

2003 Budget Summary

The City own spending (net of grants and user fees) is projected to increase only 2.9%. In order to stay within Council’s approved budgetary guideline, about $41 million in program reductions are being recommended. These cuts will be summarized and described later in this report.

CITY OF HAMILTON
2003 TAX BUDGET OVERVIEW: NET SPENDING

$ millions	2002 Budget	2003 Base Budget	Budget Enhancments	Budget Reductions	2003 Request Budget	Change $	Change %
City	**$439.8**	**$492.2**	**$0.8**	**-$40.6**	**$452.4**	**$ 12.6**	**2.9%**
Police	$85.1	$92.0	$0.1	-$0.4	$91.7	$6.5	7.7%
Total	$524.9	$584.2	$0.9	-$41.0	$544.1	$19.2	3.7%

The resulting tax impacts are presented in the table below.

CITY OF HAMILTON
2003 TAX BUDGET OVERVIEW: RESIDENTIAL TAX CHANGES

$ per household *	2002 Budget	2003 Budget	Change $	Change %
City	**$1,782**	**$1,872**	**$90**	**5.0%**
Police	$345	$379	$34	9.9%
Education	$578	$578 [1]	$0	0.0%
Total	**$2,706**	**$2,830**	**$124**	**4.6%**

* Assumes a home assessed at an average value of $155,000.

1. Assumes for planning purposes no change in residential education taxes for a single family home.

Assuming no changes in residential education property taxes (which are set by the Province of Ontario) the total average tax bill would be expected to increase by 4.6%.

If Council deems that the recommended budget and resulting residential tax increase is too high, then the table below shows the reduction required to achieve a 1% and a $1 per household impact, respectively.

	Tax Impact - %	**Resulting $ Budget Change**	**Resulting Tax Impact - $ ***
Combined City & Police Budget	**1%**	$2.85 million	$21 / hhld
Combined City & Police Budget	0.05%	$135,000	**$1 / hhld**

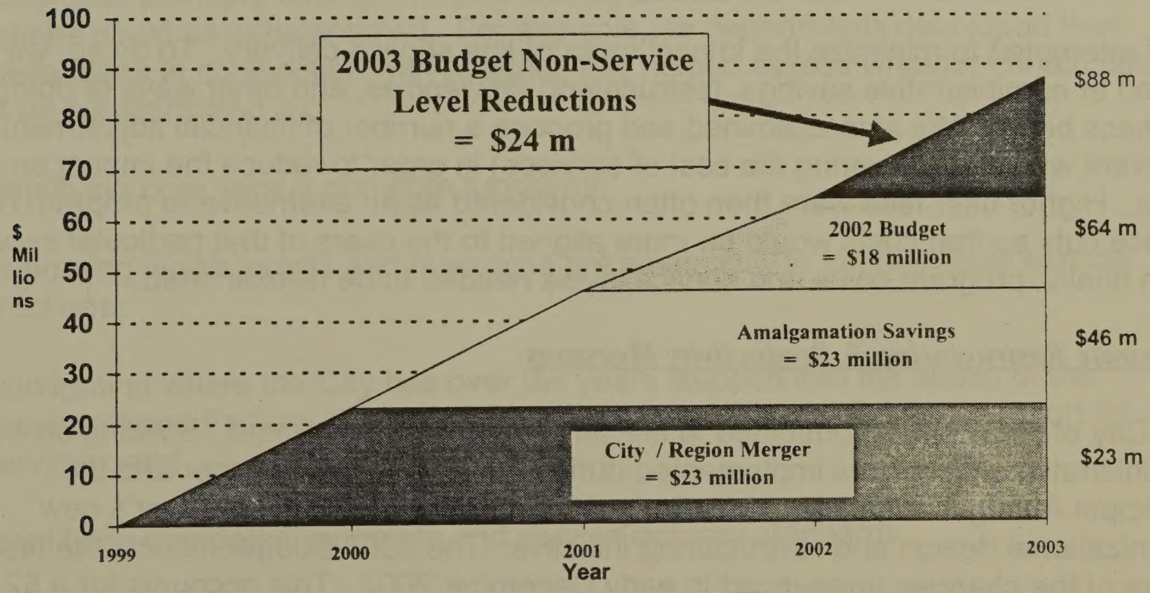
- based on a $155,000 residential home.

2003 BUDGET HIGHLIGHTS – SPENDING RESTRAINT

History of Recent Budget Reductions

Since 1999, Hamilton has implemented significant spending restraint measures in order to avoid or limit tax increases. Starting with the 2000 budgets, the former City and Region implemented $23 million in administrative savings without impacting services to the public. Through amalgamation, another $23 million was saved, bringing the total by 2002 to $46 million – mostly without impacting direct services to the public. During the 2002 Budget, an additional $18 million was cut while still trying to preserve important, front line services to the public.

CUMMULATIVE BUDGET REDUCTIONS SINCE 1999 / 2000



**Total Savings = $88 Million
about 18% of tax levy**

Given the magnitude of cuts made over the last 3 years ($64 million) before entering the 2003 Budget process, finding more savings without impacting services to people becomes exceedingly difficult. Nonetheless, staff was committed to developing a fair, balanced and compassionate approach to the 2003 Budget. The result, $24 million out of the total $41 million in budget reductions do not affect direct front line services to people.

2003 Spending Restraint Measures

The following section summarizes how staff developed its $41 million worth of recommended budget reductions. The reductions can be categorized into 4 main groups:

1. Productivity = $7.2 million
2. Revenue Generator = $6.1 million
3. Financial Adjustments = $11.3 million (includes increased user fees, recoveries)
4. Service Levels = $17.3 million (includes changes to programs, facilities, front line service delivery staffing, etc.)

The $41 million in budget reductions are significant and touch almost every aspect and service of the City – management, administration, staffing, user fees, programs, facilities, grants & subsidies, etc. In total, about **150 FTE's would be reduced** if Council accepts all the recommended reductions. The staffing reductions affect both union and non-union levels.

Staff attempted to minimize the impact on front-line service delivery. To do so, we first looked at administrative savings, restructuring efficiencies, and other ways of doing business better. We also examined and propose a number of financial adjustments (different ways of recovering the cost of services) in order to reduce the impact on taxes. Higher user fees were then often considered as an alternative to program or service cuts so that costs would be more aligned to the users of that particular service. Then finally, program costs and service levels needed to be re-examined.

Corporate Restructuring & Productivity Measures

The City of Hamilton is committed to efficient, effective government. Building on the administrative efficiencies implemented during the City/Region merger and the Municipal Amalgamation, the 2003 Budget incorporates the City Manager's new organizational design and restructuring initiative. The 2003 Budget reflects the first phase of the changes announced in early December 2002. This accounts for a $2 million saving and a reduction of 20 FTEs. Phase 2 is expected to deliver an additional $2 million in savings which have been built into the 2004 budget forecast. At this time we do not know the impact on staffing levels as the City's organizational structure is further reviewed in 2003.

Other productivity measures to be implemented in the 2003 budget include:

- IP Telephony which represents a re-working of the City's phone system ($800,000);
- Information technology savings ($523,000);
- Energy audits ($200,000);
- Cellular phone contract ($90,000); and
- Waste management operating contracts for blue box collection and waste disposal ($2.8 million).

Service Level Reductions: A Business Planning Approach

When assessing service level cuts, the Corporate Management Team (CMT) based their assessments on the following criteria and rational:

- Long term affordability and sustainability to tax payers;
- Whether there existed an alternative service provider in the community;
- Lessor used programs and facilities first;
- Whether a service was mandated or discretionary;
- Preserving key public services such as snow removal, waste collection/disposal, and emergency services (fire, ambulance and police),
- Whether a service has been identified as an important priority consistent with Council's approved Strategic Commitments; and finally
- Minimize the impact on people, in particular the more vulnerable segments of our population (e.g., frail elderly).

The Business planning exercise helped identify possible areas where service level reductions could be substantiated. For example, as departments developed their business plans in conjunction with budgets, this helped assess whether certain cuts could be substantiated by:

- identifying core versus non-core functions;
- evaluating which assets and resources are essentially to conduct core service functions;
- highlighting where the City has over the years stepped into the shoes of the Provincial and Federal Governments as they both reduced funding support for services; and
- identifying mandated programs and service delivery standards.

As a result, given our constrained fiscal resources, service level cuts were focussed in those areas identified above because the City simply can not afford to sustain non-mandated, non-core programs and service levels.

Disposing of Surplus Properties

The 2003 Budget contains a proposal to dispose or sell surplus properties. The City owns about 1,700 properties that include almost 700 buildings. The fiscal plan sets out a target of achieving $1 million in operating budget savings through the disposition of surplus properties. The savings would represent an annual ongoing operating cost reduction of maintaining, heating / cooling and repairing these properties. The proceeds of any sales would be deposited into reserves which could, in turn, be used as a source of future financing within the capital budget. A specific list of properties has not been finalized as of the printing of this budget document. During the Council budget deliberations, more information about particular properties identified for sale or disposition (i.e., not all properties might be sold, but rather turned over to interested community groups) will be provided.

It is extremely important that, if this measure is approved, properties are actually closed and disposed of in order to meet budgetary targets. If not, the City would experience a deficit in 2003.

2003 REASSESSMENT & TAX POLICIES

On November 13, 2002, staff presented report FCS02123, which contained a review of tax policies and issues that Council must address in the coming year because of the new CVA province-wide reassessment which is being implemented in 2003.

Final budgetary and reassessment tax impacts can not be established until final assessments are received, Provincial education tax rates established and all reassessment related tax regulations filed by the Minister of Finance. The regulations are expected in March of 2003. Accordingly, staff expect to complete this work during between March and April of next year. However, during the last reassessment, education taxes in Hamilton declined because property values increased less than the provincial average. This trend may repeat itself again in 2003, accordingly, the total residential tax impact outlined above may be less than expected (i.e., less than 4.6%).

To date, the Municipal Property Assessment Corporation (a province-wide body established by the Government of Ontario) has released preliminary changes in current (i.e., market) values related to the reassessment. The table below summarizes the changes in CVA values.

CNANGE IN CURRENT VALUE ASSESSMENTS:
JUNE 1999 VS. JUNE 2001

	Residential	Multi-Residential	Total Commercial	Total Industrial	Farmland
Stoney Creek	8.9%	11.8%	9.6%	16.1%	21.0%
Glanbrook	12.4%	21.8%	17.4%	40.9%	18.7%
Ancaster	11.9%	10.2%	9.6%	18.6%	20.8%
Hamilton	7.1%	8.0%	9.7%	5.7%	24.9%
Dundas	11.0%	11.9%	10.1%	23.7%	0.1%
Flamborough	16.6%	15.8%	8.7%	24.6%	21.0%
TOTAL	9.3%	8.5%	9.8%	8.9%	20.4%

It important to understand that increases in CVA assessments do not necessarily translate themselves in to property tax increases. Changes in relative value (i.e., whether a specific property or former area municipality is increasing higher or lower than average) is the determining factor. Based on the above preliminary information, 2003 CVA reassessment tax increases can be expected in Glanbrook, Ancaster, Dundas and Flamborough. This increase would be over and above the 4.6% average budgetary tax impact noted earlier.

In addition to the 2003 Budget and the 2003 CVA reassessment tax impacts, ratepayers can also expect increases related to the reassessment and amalgamation increases that were phased-in in 2001. These are outlined below.

PROJECTED ANNUAL TAX IMPACT ON RESIDENTIAL & FARM PROPERTY CLASSES AFTER PHASE-IN PROGRAM

	Ancaster	Dundas	Flam.	Glanbrk	Stny Crk	Hamilton	Total
2001	1.9%	0.1%	2.4%	1.6%	0.1%	0.1%	0.5%
2002	1.9%	0.1%	2.4%	1.5%	0.1%	0.1%	0.5%
			.. *to be reviewed*..				
2003	1.5%	0.0%	1.9%	1.2%	0.0%	-0.1%	0.3%
2004	1.1%	-0.2%	1.4%	0.9%	-0.1%	-0.2%	0.1%
2005	0.9%	-0.2%	1.2%	0.6%	-0.1%	-0.2%	0.1%

By law, the length of the original 2001 phase-in must be retained, however the existing plan can be merged with a new one. In the spring of 2003, staff will re-examine the City's existing phase-in and possible alternatives / options will be brought forward for Council's consideration.

Staff will also bring forward a report on area–rating.

THE 2003 BUDGET – TAX COMPETITIVENESS

Hamilton's uncompetitive business taxes have been well documented over the past few years. Unfortunately, the City's business community is saddled with property tax rates that are amongst the highest in Ontario. Report FCS02061A released this past November, provided an update on the progress made to date under the City's Business Tax Reduction Plan. Taxes, in partnership with the Province have been reduced by $43.3 million over the last two years.

The 2003 Budget recommends that an additional $3.8 million be set aside for business tax cuts this year under the BTR Plan. This equates to about 80% of the new revenues that would be generated from the City's 1% assessment growth. We would, in turn, request the Province to partner with the City to accelerate it's business education tax reduction program which could mean an additional $3.8 million in matching tax cuts (for a total of $7.6 million).

About $1 million worth of assessment growth would still be used to offset and reduce residential taxes.

THE 2003 BUDGET – BUDGET RISKS

Staff has attempted to prepare for Council's consideration a prudent and balanced fiscal plan for dealing with the City's serious budget pressures. However, the budget plan is not without risk. For example:

- A number of historical / chronic under funding problems are being resolved over two to three years (e.g., fleet pressures, transit parts, unrealistic revenue projections, insufficient road materials budget, etc.). In total, these budget "phase-ins" amount to $5.7 million. Accordingly, the risk exists that in-year deficits may arise if departmental program spending is not monitored carefully.

- $1.0 million in budget reductions are being assumed in respect of surplus property sales that have not been specifically identified at this time. A list containing specific properties will be prepared for Council's consideration. If approved, Council and staff must be committed to implement the proposals and dispose of the surplus properties as soon as possible.

- Due to funding constraints, staff have not been able to incorporate all pressures and needs identified in Year One and Two of the Hamilton Emergency Services business plan for fire protection;

- All recommended program reductions (expenditure cuts, higher users fees, etc.) have been included in the budget on a full-year annualized basis. However if there are delays in approving and/or implementing the budget, transfers from the Tax Stabilization Reserve may be needed at year-end to finance any unfavourable variances.

- Insufficient funding is being provided for facility maintenance, rehabilitation and renewal;

- Capital funding levels are far below infrastructure needs in the area of roads, storm sewers and waste management, and

- The Social & Public Health Services Budget contains additional staff complement of 29 FTEs (full time equivalents) which have been included at a net cost of 0. If the offsetting Provincial grants do not materialize, the potential cost exposure is $1.8 million.

The specific budgetary risks quantified above could amount to well over $20 million.

In order to avoid a deficit in 2003, program managers must deliver service only as permitted within their constrained budget envelops – in other words – budgets must drive programs and not the other way around. In response to these budget risks, the City Manager and the Corporate Management team have implemented the following in-year spending restraint measures:

1. Mandatory gapping of non-essential positions for at least 3 months.
2. Hiring freeze for external recruitment.
3. City Manager approval required on all out of Province travel.
4. Voluntary leave with out pay (subject to approval).
5. A tight control on all discretionary spending accounts.

Emphasis will clearly be placed on all General Managers and program directors, managers, supervisors, etc. to adhere closely to their 2003 Budget allocations even if this means curtailing service delivery.

CONCLUSIONS

The 2003 Budget process will be a challenge. As such the City is committed to an open, communicative process that has been started four months earlier when compared to the 2002 Budget. Decisions will not be easy or popular - but neither is a double-digit tax increase. The recommended but significant restraint measures, program cuts, user fee increases and administrative efficiencies are necessary if we are to align expenditures with available revenues. Our short-term (2003 – 2005) forecast predicts similar budget challenges (see below). Accordingly, the City must come to grips with its structural budget imbalances. Long term success will require the active involvement and assistance by many stakeholders, including the Governments of Ontario and Canada. In the end, however, we believe the cost of City services will be placed on a more sound and sustainable basis for future generations.

BACKGROUND:

The 2003 Tax Supported Budget is being presented to Council based on the guidelines set in CM02003, “2003 Business Planning Process”.

ANALYSIS OF ALTERNATIVES:

The 2003 Business Plans include non-recommended options for Council’s consideration. Refer to Books 2A & 2B, Departmental business plans.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

See budget report (Appendix 1, Book 1)

POLICIES AFFECTING PROPOSAL:

N/A

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

All budget policies were reviewed with CMT.

CITY STRATEGIC COMMITMENT:

CITY WIDE IMPLICATIONS

CITY OF HAMILTON

2.5.1 (c) (iv) 1.

CORPORATE SECRETARIAT
Customer Service

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Anne Louise Heron, Executive Director
Date:	January 6, 2003	**Prepared by:**	Jane Lee, 905-546-2654

SUBJECT: Forum for Young Hamiltonians Programme (CSE03002) (City Wide)

RECOMMENDATION:

1. That staff be requested to organize a one-day Forum for Young Hamiltonians for the spring of 2003, based on Approach One contained in this report.

2. That staff investigate funding sources for a pilot program for the extended Forum for Young Hamiltonians (Approach Two), to be considered further following the evaluation of the first Forum.

Anne Louise Heron

Anne Louise Heron, Executive Director
Corporate Secretariat

EXECUTIVE SUMMARY:

The concept of a Forum for Young Hamiltonians will assist with the goal of civic education in the youth of the city, and with providing an opportunity for youth to participate in and provide input to the City government. It is an initiative requiring a partnership with the School Boards and direct involvement by the City in encouraging increased understanding of municipal government.

BACKGROUND:

On February 26, 2002, the Committee of the Whole dealt with a report on the aforementioned matter and approved the following motion:

> *"That staff report back on how a Forum for Young Hamiltonians programme could be implemented for autumn 2002 or spring 2003 in the City of Hamilton, along with financial and staffing implications for consideration by Council."*

Council approved this motion on February 27, 2002, by adopting the Committee of the Whole report.

The Forum for Young Hamiltonians was an initiative outlined in Mayor Wade's "The People's Charter". It is one of several youth initiatives being considered or already underway in the City.

The Forum for Young Hamiltonians is an initiative with two principle goals. The primary goal is to facilitate the teaching of youth about the municipal government process and how decisions are made, in order to increase understanding of government at the municipal level. The other major goal is to engage youth and to seek their input in various issues being addressed by Council and the City administration. It is intended to encourage civic participation by teaching them about the avenues available and the importance of their involvement in the community. It is a tool to assist in developing future citizens.

ANALYSIS OF ALTERNATIVES:

Staff of the Mayor's Office have met with representatives of the Hamilton-Wentworth District School Board and the Hamilton-Wentworth Catholic District School Board who have expressed an interest in partnering with the City in implementing such a programme. The current curriculum requirement for all high school students includes a requirement for all students to complete a half credit course in Civics at the Grade 10 level.

With the assistance of the Mayor's office staff, and Community Services staff, the following alternative approaches have been considered. It should be noted that many options are possible. The final option, should Council wish to proceed, would need to be accepted by the School Board.

Approach One:

One approach is to establish a method of selection of students from each of the 25 high schools in the City to attend a forum to learn about the civic process from a municipal viewpoint.

This forum could involve attending information sessions on topics such as the structure of Council and the administration, the Council decision-making process, the role of a Councillor, opportunities for citizen input, the role of the media, municipal elections, and the role of the citizens in the community.

This would be followed by assigned case studies, dealing with topics related to youth, in order to obtain input from youth on relevant city topics, and possibly a role playing exercise. The support of Council members and/or staff will be required to assist the students.

The benefit of this approach is that it limits the staff time involved to a narrower timeframe and to a one-day attendance at the forum. In addition, it allows for more intensive and personalized training for the students chosen to participate, than would be possible in a broader-based system. Staff time is estimated at 15 days for development of the forum curriculum materials and background material for discussion purposes in the school prior to selection of delegates. Teacher consultants will be asked to assist with the development of the curriculum and background materials.

This approach is similar to civics training provided by City staff in conjunction with the Working Group on Racial Equity to two groups of youth and one group of women during 2002.

Approach Two:

The second approach is to work with teacher consultants in both school boards to provide teacher and student resources, as well as case studies, to be integrated in all Grade 10 Civics classes (approximately 6,500 students). An issue or issues of interest to the students would be chosen and background documentation from all viewpoints prepared.

Senior staff and interested members of Council would be requested to attend schools, when available, to outline the civic structure, the election process, how issues arise, the decision-making process, and the impact of citizen input on decisions. The students could be divided into the roles of Council members, staff and citizen opponents and supporters of the issue, with student research culminating in presentation and debates in the mock Council meeting in each class.

The benefit of this approach is that it involves all students in their high school years, to ensure that they have some exposure to municipal government processes and issues. However, a greater amount of staff time would be required. Staff time is estimated at 30 days to develop the curriculum materials as noted above (5 staff from various departments developing materials and outlines with school board staff).

Once classroom visits commence, it will take a commitment on the part of senior staff to provide sufficient hours for attendance at a school to speak to the students about municipal government. If it is possible to arrange for students of Civics classes to meet together, 25 half days would be sufficient for senior staff and/or Councillors to visit the schools and address the students. It may not be feasible for a member of staff or Council to attend each of the schools.

This is the most time-intensive version and would also require civics training on the curriculum materials for the staff who would provide the sessions for the students, to ensure consistency of the material to be delivered.

FINANCIAL IMPLICATIONS:

For both approaches, it is hoped that existing staff resources, shared from amongst all departments, will be able to implement this program. The costs of the program are detailed below.

Approach One:

A breakdown of the estimated cost of $9,480 for this approach is as follows:

Staff time of 112 hours at $40.00 per hour	$ 4,480
Cost of holding the forum & material development	$ 5,000
Total estimated cost	$ 9,480

Incremental Cost: $5000

Approach Two:

A breakdown of the estimated cost of $25,000 for this approach is as follows:

Staff time of 375 hours at $40.00 per hour	$15,000
Production of materials	$10,000
Total estimated cost	$25,000

Incremental Cost: $10,000

STAFFING IMPLICATIONS:

Approach One:

Staff time is estimated at 15 days for development of the forum curriculum materials and background material, in addition to attendance at the forum itself.

Approach Two:

Staff time is estimated at 30 days to develop the curriculum materials, and an estimated 75 hours (or 25 half days)(twice per year) to attend all schools over the course of the school year. The commitment of senior staff to enable their employees to participate will be critical to the success of this option.

LEGAL IMPLICATIONS:

N/A

POLICIES AFFECTING PROPOSAL:

It will be necessary to consider the policies and sensitivities of the School Boards, as well as the education curriculum in moving forward with this initiative. Should Council direct staff to proceed, the final curriculum materials and the details of the method and approach would need to be agreed upon with the School Boards.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

The staff of the Mayor's office met last fall with representatives of the school boards to discuss the initiative. They were generally supportive of a partnership and noted that teacher consultants could assist with curriculum design, methodology, and establishing what issues would be suitably engaging to the youth. The staff of the Community Services Department, Mayor's Office, and Customer Service also met to discuss possible options for moving this initiative forward. In addition, consultation took place with staff of the Social and Public Health Services Department. Both Social and Public Health Services and Community Services have staff whose purpose is to address youth issues. Therefore, the Forum is a new approach to combining learning about municipal government with an opportunity to obtain input from youth on issues of importance to them.

It has been suggested that the Ministry of Education might consider a pilot funding initiative to partner in the development of this initiative as a model for use across the province. Should this program proceed, approaches will be made to the Ministry of Education to consider funding this pilot project.

CITY STRATEGIC COMMITMENT:

This initiative meets the City's strategic commitments as follows:

Becoming a Great City in Which to Live

This initiative assists in the goal of providing a role for young people in making the City great.

Becoming a City where People Come First

This initiative will also provide a new approach in achieving input from the youth in our City.

CITY WIDE IMPLICATIONS

CITY OF HAMILTON

2.5.1 (c) (iv) 2.

CORPORATE SECRETARIAT

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Anne Louise Heron Executive Director
Date:	December 20, 2002	**Prepared by:**	Anne Louise Heron Ext. 5766

SUBJECT: **People's Panel (City Wide) (CSE03001)**

RECOMMENDATIONS:

a) That the People's Panel concept as described in *Approach Two, External Vendor*, be approved;

b) That the proposed People's Panel, Terms of Reference (Appendix A) be approved;

c) That the People's Panel start-up budget of $41,000 be considered as part of the 2003 budget deliberations; and

d) That responsibility for the People's Panel be assigned by the City Manager.

Anne Louise Heron

Anne Louise Heron, Executive Director
Corporate Secretariat

EXECUTIVE SUMMARY:

The People's Panel proposal was developed in follow-up to a Council motion of December 11, 2001.

The Panel builds on newer forms of participation in municipal government in that:

- A randomly selected group would provide additional public input to Council and staff.
- It would provide the City with a mechanism for ongoing public input.
- A research approach applied to the public perspective would lead to improved decision-making and better accountability.

The concept is aligned with the strategic goals of Council and supports the City's focus on customer service and quality service delivery.

The participant selection process would have several steps as follows:

- Randomly select 1,500 households;
- Select one individual from each of the households;
- From those willing to participate, randomly select 500 participants.

Each participant would provide the City with a personal profile to be stored in a confidential database. Examples of profile information would be age, occupation, and hours of work. To provide quality information on a particular issue listed in the People's Panel work plan, the characteristics of the population from whom input is needed would be fed into the database and an appropriate segment of the Panel would be selected.

An annual work plan, prepared by the People's Panel Champion, would be submitted to the business/budget planning process for consideration. Responsibility for fulfilment of the People's Panel mandate would rest with the department managing the People's Panel Champion (see *Terms of Reference*, Appendix A).

Approach One: In-house
The cost to the City to establish the People's Panel in-house would be approximately $173,200. The estimated time to establish the Panel would be 29 weeks. This cost includes $10,000 in consulting fees. However, this cost may need to be revised when the work is started and unanticipated needs begin to emerge. Costs per project in the annual work plan would be the responsibility of the group requesting the work. This approach would enable the City to begin to build in-house skills in the areas of marketing research and corporate performance measurement.

Approach Two: External Vendor
Outsourcing the selection of the first People's Panel would cost approximately $41,000 (vendor cost $23,000 and staff costs $18,000) and take 11-13 weeks. Once established, the operation could be the responsibility of an external vendor while the work plan and contract management could be the responsibility of City staff. The cost of using an external vendor for work beyond establishment of the Panel and its ongoing maintenance would be determined on a cost-per-job basis, and be the responsibility of the department(s) requesting the work.

Outsourcing start-up of the People's Panel is recommended on the basis of cost and the flexibility needed initially to obtain a broad range of specialized skills as required. This approach would delay a staffing increase and the related cost implications. It would also give staff additional time to better identify the City's changing needs and to determine the best available avenue to meet those needs.

BACKGROUND:

At its regular meeting of December 11, 2001, the City of Hamilton Council passed the following motion:

"That staff examine the concept of a "People's Panel" defining a proposed selection process and terms of reference, outlining the financial and staffing implications, and implementation timeline for consideration by Council," (Item 13.2, MAY01001).

The People's Panel is aligned with the strategic goals of Council and is consistent with the emphasis on customer service and providing high value municipal services to the taxpayer. Improving efficiency and quality of services using input from taxpayers and service users is a high priority for the City. The People's Panel would be a mechanism to increase participation in local government.

What is the People's Panel?
The People's Panel would be a pool of 500 randomly selected individuals over 18 years of age, who would provide input to the City on a variety of municipal issues such as those related to the environment, public health, culture, recreation, economic renewal, and administration and governance. Funding to carry out research on specific issues would be the responsibility of the department(s) initiating the work.

Variations of this model of accessing public input for municipal government decision-making have been successfully implemented in the United Kingdom. Since 1997, U.K. cities have become leaders in obtaining systematic public sector input on a full range of issues. The City of Birmingham is a very good example of a successful People's Panel initiative because of the methods it uses in general, and those it uses to obtain involvement of difficult-to-reach populations.

This type of panel approach for obtaining input on development and placement of consumer products and services has been used successfully for many years in industry.

Selection Process
A process would be developed to randomly select 1,500 households. From each household, one person would be selected and asked to participate in the People's Panel. From those who accept the invitation to participate, 500 will be randomly selected.

Each year, approximately 20% of the pool would be replaced to avoid survey fatigue, learning or conditioning bias. Complete pool turnover would occur every five years.

To become a member of the pool each individual would provide a personal profile. Individual profiles, identifying a set of geographic (rural or urban census area, etc.), demographic (age, occupation, mother tongue, education, etc.) and psychographic (values, beliefs, use of leisure time, etc.) characteristics, would be entered into a confidential database. Using the database, segments of the pool could be separated to provide input on issues with particular relevance to them. Participant input may be related to awareness level, opinions and beliefs, attitudes, or usage of municipal services.

Once participants are selected, various strategies would be used to retain them on the Panel.

Several community agencies indicated a willingness to provide assistance with accessing "difficult-to-reach" populations. Issues related to random selection of these populations would require particular attention. The terms and conditions for community agency assistance would need to be established.

Alternative methods, beyond the scope of the People's Panel initiative, would need to be developed to obtain input from those younger than 18 years of age.

The People's Panel participants could not be engaged or directly involved in issues under study. Such involvement would enhance conditioning bias, reducing the ability of pool participants to provide a "typical", unfettered perspective which is important for obtaining input that could be representative of a larger population.

Work Plan

An annual People's Panel work plan would be developed in consultation with Council and the Corporate Management Team. The work plan would identify projects to be undertaken each year, the human and financial resources required, and it would establish a work schedule. The plan would be submitted for consideration during annual business/budget planning process.

ANALYSIS OF ALTERNATIVES

Approach One: In-house

Staff would carry out the planning and operation of the People's Panel as per the annual work plan. In-house operation of the People's Panel would require building a staff skill set which is at present not available.

Following recruitment and orientation of staff (6 weeks), an estimate of 21-24 weeks would be required to establish the first People's Panel. A total of 27-30 weeks would be required for start-up. This estimate is based on the following assumptions:

- Time would be available from existing staff to prepare the job descriptions and carry out recruitment and selection (Tasks 3 and 5 on the chart below);
- Assistance from academic institutions would be available when required to provide support with the development of People's Panel interview tools and protocols (Task 7); and
- Staff at the Customer Contact Centre would have the capacity to carry out preliminary screening (Task 10).

Following is a general work breakdown.

Work Breakdown

Week	Task Completed
1	1. People's Panel concept and budget approval is received
2	2. Development of the job descriptions is completed
2	3. Recruitment process begins
1 - 4	4. Office set-up is completed
4 - 6	5. Staff hiring is completed
6 - 7	6. Initial orientation is completed
8 - 9	7. Interview tools and protocols are developed
9 - 12	8. Contact list is developed
11 - 12	9. Initial contact is completed
12 - 20	10. Interviews are completed (500 selected)
15 - 23	11. Follow-up with potential participants is completed
23 - 26	12. Participants are selected
29	13. Participant list is completed and progress report received by Council

The In-house option would provide a learning opportunity for staff in marketing research and customer service. These areas are in general, not well understood by local governments but are consistently cited as important for success.

Approach Two: External Vendor
A staff person would be appointed as the People's Panel Champion and a firm specializing in marketing research would be hired to set-up the People's Panel. It would provide immediate, direct access to a wide range of skill sets reducing the time required to develop the interview tools and protocols. This is an important consideration for this initiative, as the skill requirements would be expected to change considerably over the first several years of operation, when many processes and protocols would be developed. The selection process for People's Panel participants would be identical to that carried out by staff in Approach One described above.

During the start-up phase, the People's Panel Champion, a staff person managing the vendor contract, would communicate with Council and the Corporate Management Team and be the spokesperson for the Panel. The Champion would also co-ordinate the interface between the vendor and staff from service areas as required.

Using Approach Two, set-up of the People's Panel could be completed within approximately 11-13 weeks. The work breakdown follows.

Work Breakdown

Week	Task Completed
1	1. People's Panel concept and budget approval is received
1	2. Champion assigned to manage work
2	3. Vendor selected
2 - 3	4. Contract signed-off
3 - 5	5. Interview tools and protocols are developed
5	6. Contact list is developed
5 - 6	7. Initial contact is completed
6 - 8	8. Interviews are completed (500 selected)
8 - 9	9. Follow-up with potential participants is completed
9	10. Participants are selected
9 - 12	11. Participant list is completed and progress report received by Council

This approach could be viewed as offering a more objective opportunity for public input than that presented in Approach One, the In-house approach. It also has the benefit of ready access to the most effective methods and skilled practitioners and permits the City additional time to assess its future needs.

This approach is based on the following assumptions: adequate staff time is available when required (estimated 10 hours weekly); and, a People's Panel Champion is available to accept and manage the assignment.

SUMMARY OF ANALYSIS OF OPTIONS

Item	Approach One: In-house	Approach Two: External Vendor
Start-up cost	$173,200	$41,000
Start-up time	27 - 30 weeks	11 - 13 weeks
Base operating budget	$153,200	$25,000
Adoption of Service	Could have delayed adoption of service while still incurring costs	Costs incurred as service is demanded
Other	Staff learning opportunity	Ready access to range of skills

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Approach One: In-house Operation

Basic operating costs for selection and maintenance of the Panel by staff are included. Additional costs for specific jobs would be the responsibility of the department requesting the work.

Financial
The estimated Start-up cost is $173,200. The itemized budget is as follows:

Itemized Start-up Budget

Item	**Estimated Cost**
Salaries and benefits	$145,000
Other employee related expenses	200
Consulting Fees	10,000
Staff training and development	2,000
Workstation and start-up	3,000
Legal Support	10,000
Other operating costs	3,000
Total	**$173,200**

The estimated base operating budget following year one would be $153,200. The itemized budget follows:

Itemized Ongoing Operating Budget

Item	**Estimated Cost**
Salaries and benefits	$145,000
Other employee related expenses	200
Consulting Fees	2,000
Staff training and development	2,000
Legal Support	2,000
Other operating costs	2,000
Total	**$153,200**

Costs beyond those identified in the base operating budget would be the responsibility of the department requesting the work.

Staffing
Assignment of a champion (1.0 FTE) and administrative support (1.0 FTE) to the People's Panel with additional minimal support from departments on specific selected issues would be necessary. The People's Panel Champion, a staff person with administrative support, would plan, manage, and carry out the work within the following scope:

- Organize work plan;
- Carry out the work including methodology design and protocols for data gathering analysis and interpretation;
- Carry out quality control of processes;
- Assist with negotiation of resource needs;
- Lead recruitment and selection of Panel members; and
- Negotiate availability of additional external and internal support as required.

The assistance from academic institutions would be required to work through related selection and methodological challenges as they emerge. In addition, assistance would be required to ensure protocols are appropriate and have sufficient integrity to produce credible results.

Legal

Legal support would be required to address access and confidentiality issues and to advise on management of information matters.

Approach Two: External Vendor

The cost for research beyond set-up and maintenance would be determined on a job-by-job basis. This approach would permit a learning period without significant investment during which staff would have time to carefully assess the "best" approach for longer-term operation of the People's Panel.

Financial

The estimated cost to establish the first Panel would be $41,000. The budget is outlined below:

Item	**Estimated Cost**
Random selection and development of database	$23,000
Staff development	3,000
Contract management - staffing, operating cost and legal costs	15,000
Total	**$41,000**

Staffing

Staffing operations would be the responsibility of the vendor, and would meet the City's requirements as defined by the statement of work and the contract terms and conditions. The time required to carry out contract management by the People's Panel Champion and for related administrative support is estimated at 10 hours weekly. Staff time required to provide expertise on specific issues (content expertise) would be the responsibility of the department requesting the work.

Legal

Issues related to confidentiality and management of the database would be the responsibility of the vendor under the terms and conditions specified by the City. The City's Legal Services Division would provide consultation to ensure the City had exclusive ownership of the database and other matters related to security.

Approach Two: External Vendor is the recommended approach.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

The following people were consulted during the development of this concept:

- Guy Paparella, Chief of Staff, Office of the Mayor
- Maureen Wilson, Chief of Staff, Office of the Mayor (currently on leave)
- Jane Lee, Director of Customer Service, Corporate Secretariat, City of Hamilton
- Ken Roberts, Chief Librarian, Hamilton Public Library
- Norm Archer, Director Quantum Program, Michael G. De Groote School of Business, McMaster University
- Ken Deal, Marketing and Management Science, Michael G. De Groote School of Business, McMaster University
- Mark Sproule-Jones, V.K. Copps Professor, Department of Political Science, McMaster University
- Tony Smith, Principal Policy Development Officer, City of Birmingham, United Kingdom
- Don Jaffery, Executive Director, Social Planning and Research Council, Hamilton
- Liz Weaver, Executive Director, Volunteer Hamilton, Hamilton

CITY STRATEGIC COMMITMENT:

This initiative is consistent with two strategic goals:

"A City is a place where people come first". The People's Panel provides a new opportunity for the public to share their views on local government issues.

"*A City that spends wisely and invests strategically*". The People's Panel enables the City to better understand the value of high quality service delivery as defined by the community and to use this understanding to establish relevant, responsive and reliable policy and service delivery practices.

Attachment – Appendix A

Appendix A

PEOPLE'S PANEL
TERMS OF REFERENCE

PURPOSE

The principal role of the People's Panel is to gather public input for the City on municipal issues such as those related to environment, public health, culture, economic renewal, and administration and governance, for the purpose of improving the quality and value of municipal service delivery.

OBJECTIVES

The objectives of the People's Panel are to:

- Assist Council in fulfilment of its responsibility to listen to the people it serves;
- Ensure that input received is balanced;
- Ensure that input on specific issues is received from appropriate population segments; and
- Promote quality service delivery that meets the intended purpose and is within the City's means.

ORGANIZATION

People's Panel

The People's Panel would be comprised of 500 participants. Members may serve on the Panel for up to five years. Selection of the Panel participants and ongoing maintenance work are carried out by an external vendor with contract management by staff (the People's Panel Champion).

People's Panel Champion

The People's Panel Champion reports to an assigned department head and would:

- Draft the annual work plan in consultation with department heads, and present the draft plan for consideration with the annual business/budget planning process;
- Assist with development of the scope statement for work assignments;
- Establish and carry out quality control of the processes;
- Estimate project costs;
- Seek out additional external support as required;
- Negotiate and manage the contract with the external vendor;
- Act as the official spokesperson for the Panel; and
- Prepare and present reports as required.

People's Panel Administrative Support

The administrative support to the People's Panel would:

- Provide administrative support to the Champion;
- Maintain financial and communication records; and
- Provide general office support.

TERMS OF REFERENCE REVIEW

These terms of reference will be reviewed upon establishment of the first People's Panel and thereafter, reviewed annually.

CITY WIDE IMPLICATIONS

2.5.1 (f) (iv) 1.

CITY OF HAMILTON

PLANNING AND DEVELOPMENT DEPARTMENT
Housing Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Lee Ann Coveyduck General Manager
Date:	December 20, 2002	**Prepared by:**	Keith Extance 905-546-3745
File:	HAHPI		Mark Mascarenhas 905-546-4604

SUBJECT: The Hamilton Affordable Housing Partnership Initiative (HAHPI) – Implementation of the Housing Partnership Fund (PD02001(a)) (City Wide)

RECOMMENDATIONS:

(a) That pursuant to Council's approval of the Hamilton Affordable Housing Partnership Initiative (HAHPI) on April 11, 2002, the Terms of Reference for the "HAHPI Housing Partnership Fund", attached as Appendix "A" to Report PD02001(a), be approved;

(b) That pursuant to Council's approval of the recommendations of the Mayor's Community Trustee Panel on September 11, 2002 through Report FCS02107, the $3.0 million for affordable housing projects be allocated as follows:

(i) $1.5 million for the "HAHPI Housing Partnership Fund";
(ii) $100,000 for the "Housing Hamilton Innovations Fund" (HHIF) to pioneer and stimulate innovative new responses to affordable rental and ownership housing needs; and,
(iii) $1.4 million for the City-owned housing corporations (CityHousing Hamilton) to immediately commence development of one or more affordable rental housing projects under the leadership and direction of the Board of Directors;

(c) That Housing Division staff report back with a detailed Terms of Reference for the "Housing Hamilton Innovations Fund" including eligibility, criteria for funding, approval process, accountabilities and reporting; and,

(d) That Housing Division staff be authorized to proceed immediately with a "Request for Expression of Interest" from private sector and community-led housing developers under the HAHPI Housing Partnership Fund for new rental housing projects and that Housing Division staff report back to Committee of the Whole on recommended proposal(s).

Lee Ann Coveyduck

Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

On April 11, 2002 through Report PD02001, Council directed that Housing Division staff report back on the principles and criteria for the implementation of the "HAHPI Housing Partnership Fund". In response to Council's direction and after consultation with various housing stakeholders and other municipalities, staff has prepared the Terms of Reference for the HAHPI Housing Partnership Fund attached as Appendix "A".

The HAHPI Housing Partnership Fund is the cornerstone of the City's pro-active strategy and response to affordable housing supply needs co-ordinated under the Hamilton Affordable Housing Partnership Initiative (HAHPI). It is anticipated the HAHPI Housing Partnership Fund, other municipal contributions such as the "New Multi-Residential" property tax class for new multi-unit rental buildings, and the forthcoming Federal-Provincial "Community Rental Housing Program" will create much-needed new rental housing supply through new development, rehabilitation and non-residential building conversions.

On September 11, 2002 through Report FCS02107 (Creation of a Permanent Hamilton Future Fund – Final Report), $3.0 million was allocated for affordable housing projects. This followed presentations by Housing Division staff to the Mayor's Community Trustee Panel. To ensure a broad-based approach for the expenditure of these monies, it is appropriate to allocate $1.5 million of the $3.0 million for the HAHPI Housing Partnership Fund for take-up by private sector and community-led housing developers. Through a "Request for Expression of Interest" to be issued forthwith, it is anticipated that real gains in the supply of new affordable rental housing in 2003 can be achieved.

To support the growing number of community-based housing groups in Hamilton that are researching and testing ideas for affordable rental and ownership housing for lower income households, an allocation of $100,000 for a new "Housing Hamilton Innovations Fund" (HHIF) is warranted. This Fund will promote and facilitate community-based initiatives that increase the supply of low cost housing or that sustain in good condition existing housing. Staff will report back in early 2003 with Terms of Reference for the "Housing Hamilton Innovations Fund" for consideration by Committee of the Whole.

The City-owned and directed housing corporations (CityHousing Hamilton) have a demonstrated track record of developing well-integrated and attractive housing developments that contribute to the City's social and economic well-being. Through the direction and leadership of its Board of Directors and effective and efficient execution by Housing Division staff, an allocation of $1.4 million is appropriate to develop one or more "Legacy" rental housing projects.

BACKGROUND:

The HAHPI Housing Partnership Fund

The City of Hamilton has become the lead player in responding to housing needs in our community. Yet this is not an unfamiliar role as evidenced by the leadership of the City of Hamilton in housing matters. On April 11, 2002, City Council approved HAHPI – The Hamilton Affordable Housing Partnership Initiative – as the City's pro-active strategy and response to affordable housing supply needs.

HAHPI has three key components:

- to co-ordinate and promote in a comprehensive manner the housing supply initiatives that are already in place from all levels of government;
- to develop new housing supply initiatives and partnerships in response to new programming and legislative actions by the senior levels of government; and,
- to facilitate the development of affordable housing in Hamilton through the "HAHPI Housing Partnership Fund".

The cornerstone of HAHPI and the City's commitment to respond to housing needs is the proposed HAHPI Housing Partnership Fund. Since Council approval of the HAHPI strategy and direction to report back on the principles and criteria of the HAHPI Housing Partnership Fund, Housing Division staff have reviewed the various housing supply partnership funds already established in municipalities such as Ottawa, Toronto and Waterloo. Discussions were held with representatives of these municipalities on best practices, effective targeting and methods of generating interest from the local private and community-led development community. Attached as Appendix "A" to this report is the final Terms of Reference for the HAHPI Housing Partnership Fund.

A draft Terms of Reference for the HAHPI Housing Partnership Fund was distributed at the October 7th, 2002 "Town Hall Meeting on Affordable Housing" for information, consultation and feedback from a wide range of community housing stakeholders. A number of comments were received from a cross-section of housing stakeholders. The key theme in all submissions was that the needs of very low income households in our community and those on the Community Housing Access Network (CHAN) waiting list for rent-geared-to-income housing need to be recognized in any City program initiative.

Staff concur with this recommendation and will utilize the Rent Supplement Program to provide housing for lower income tenants on a geared-to-income basis in all new rental residential developments receiving funding through the HAHPI Housing Partnership Fund.

Funding for the HAHPI Housing Partnership Fund
On September 11, 2002, City Council approved a series of recommendations from the Mayor's Community Trustee Panel including $3.0 million allocated for affordable housing initiatives. Recognizing the broad-based intent of the funds made available, it is appropriate to allocate one-half or $1.5 million for take-up by private sector and community-led housing developers through the HAHPI Housing Partnership Fund.

With a capital infusion to the HAHPI Housing Partnership Fund, Housing Division staff has liased with other appropriate City staff to issue a "Request for Expression of Interest" from the private sector and community-led housing developers. This competitive process ensures effective use of any City financial contribution and prioritizes proponents who have the ability to move quickly in terms of constructing new rental housing units. Housing Division staff will also host a public information session on the HAHPI Housing Partnership Fund to further promote potential development opportunities.

The Housing Hamilton Innovations Fund (HHIF)
Over the past several years there has been an increasing number of community-based housing organizations offering many unique ideas to meet the housing needs of lower income renter and ownership households. These grass-roots organizations are a tremendous asset in the local context by directly providing and/or facilitating the creation of new low cost ownership and rental housing units for lower income households with minimal government funding assistance.

These organizations have the creativity, vision and expertise, but frequently lack the initial capital funding to allow them to move forward and see their concepts come to fruition. Through the establishment of a "Housing Hamilton Innovations Fund" (HHIF), the City recogizes the key role community-based housing organizations can play in meeting the housing needs of lower income Hamilton households.

Accordingly, it is appropriate to consult with community housing stakeholders on the design, parameters and implementation of the "Housing Hamilton Innovations Fund" to ensure program effectiveness. Housing Division staff will report back to Council in early 2003 with a Terms of Reference for HHIF. It is anticipated an initial allocation of $100,000 for HHIF from the monies allocated for affordable housing initiatives will be sufficient to generate interest among community-based housing organizations to provide and promote innovative and unique ways of creating new low cost ownership and rental housing.

The City-Owned Housing Corporations (CityHousing Hamilton)

With the integration of the Hamilton Housing Corporation within the City's administrative structure and corporate governance through the consolidated Board of Directors, a number of opportunities have been identified to more effectively utilize the existing CityHousing Hamilton portfolio and/or exploit "quick start" sites that become available in the community. As the cost of land for any new rental housing development is zero, this allows the required revenue from monthly rents to be lowered. Further, additional capital contributions would also lower the required revenue from monthly rents, thus markedly increasing long-term housing affordability for prospective tenants.

To capture these unique development opportunities, an allocation of $1.4 million for use by the City-owned housing corporations (CityHousing Hamilton) to develop one or more "Legacy" affordable rental housing project is appropriate. These developments will occur under the leadership and direction of the Board of Directors and be executed by Housing Division staff.

The New "Community Rental Housing Program"

At the time of writing, the Provincial Government had indicated that various program details and the implementation schedule of the new "Community Rental Housing Program" would be made public by the end of November. This new program will provide capital grants to a maximum of $50,000 per unit, with $25,000 being provided by the Federal Government and the remaining funds provided by the Provincial Government, the local municipality and other sponsors. Hamilton is expected to receive 700 units over 5 years under this program initiative that will result in approximately $19.0 million in Federal and Provincial money being invested in the community.

The HAHPI Housing Partnership Fund can be utilized as a "stand alone" housing supply initiative, but staff anticipate that it may also be utilized by private sector and community-led housing developers as a means of securing additional Federal and Provincial dollars under the Community Rental Housing Program. This will become evident early in 2003 as the details of the Community Rental Housing Program are made available and from the feedback from the "Request for Expression of Interest". In any event, Housing Division staff will report back to Committee of the Whole as soon as the details on the Community Rental Housing Program are available.

Municipal Housing Facility By-law

On April 11, 2002, City Council endorsed the establishment of a "Municipal Housing Facility By-law" for affordable housing with the direction that Housing Division staff report back to Council with an appropriate by-law.

The Provincial Government introduced a new regulation under the Municipal Act (O. Reg 189/01) to stimulate the production of affordable housing. It allows municipalities to use property tax exemptions and other incentives to encourage affordable housing construction. To implement these initiatives, the City is required to pass a "Municipal Housing Facility By-law" which defines affordable housing, outlines eligibility and summarizes the scope and content of the individual agreements that could be established with private sector and community-led housing developers. For municipalities wishing to receive units under the Community Rental Housing Program, a Council-approved Municipal Housing Facility By-law must be in place. This by-law will also enable the allocation of HAHPI Housing Partnership Fund monies to private developers without contravening the bonusing prohibitions of the Municipal Act.

Housing Division staff have completed a draft Municipal Housing Facility By-law and is currently being reviewed by Corporate Counsel. In addition, staff has consulted a number of community housing stakeholders through the Food, Shelter and Housing Advisory Committee on the scope, direction and contents of the draft By-law. A detailed report on this matter will be brought forward to Committee of the Whole in early 2003. Staff anticipate a great deal of interest from private sector and community-led housing developers in accessing the various incentives that municipalities can make available under a Municipal Housing Facility By-law. Combined with the HAHPI Housing Partnership Fund, staff are confident that real gains in the supply of affordable rental housing in 2003 can be achieved in the community.

ANALYSIS OF ALTERNATIVES:

Within the context of the current housing programming initiatives and legislative framework of the Federal and Provincial Governments, there are no alternative options for consideration.

Not proceeding with the implementation of the HAHPI Housing Partnership Fund for affordable housing will compromise local ability to receive a fair share of funds under the new Community Rental Housing Program.

The recommendations provide a balanced and broad-based allocation of funds earmarked for affordable housing initiatives as recommended by City Council on September 11, 2002.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial: None at this time. Council approval of the $3.0 million allocation for affordable housing projects occurred on September 11, 2002.

Staffing: It is unclear at this stage the extent of consultation and/or negotiation required with prospective housing developers after the release of the Request for Expression of Interest. However, it is anticipated the new Community Rental Housing Program will provide an allowance for increased staff capacity that will be required to implement the program. In the interim, management will redirect existing staff resources to ensure follow-up on the recommendations in this report.

Legal: None at this time. Housing Division staff will follow City protocol and conventions in regard to the issuance of the Request for Expression of Interest.

POLICIES AFFECTING PROPOSAL:

The HAHPI Housing Partnership Fund will not contravene any established City policy.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Housing Division staff consulted with:

- staff from the Social and Public Health Services Department;
- the Provincial Ministry of Municipal Affairs and Housing;
- municipal representatives from Ottawa, Toronto and Waterloo; and,
- community-based housing stakeholders in the City of Hamilton, i.e., Social Planning and Research Council, Freedom House, and private sector and community-led housing developers.

CITY STRATEGIC COMMITMENT:

Approval and implementation of the HAHPI Housing Partnership Fund supports the following goals of the City's Strategic Plan:

1. *A City of Growth and Opportunity*
   c) Developing Partnerships for Hamilton with Other Levels of Government
   "Council will urge its government partners to take the steps necessary to support the City in its efforts."

2. *A Great City in Which to Live*
   b) Supporting People in Need, with Care
   "Council will seek work with other levels of Government and the community to ensure that people in need are supported and cared for."

3. *A Healthy, Safe and Green City*
   i) Municipal Housing Program
   "Develop and implement a municipal affordable housing program."

:KE
Attach. (1)

Hamilton Affordable Housing Partnership Initiative - HAHPI
Terms of Reference
The HAHPI Housing Partnership Fund

Background:

On April 11, 2002, Hamilton City Council adopted and approved the Hamilton Affordable Housing Partnership Initiative (HAHPI) as the City's pro-active strategy and response to affordable housing supply needs in our community.

HAHPI has three key components:

- to co-ordinate and promote in a comprehensive manner the housing supply initiatives that are already in place from all levels of government;
- to develop new housing supply initiatives and partnerships in response to new programming and legislative actions by the senior levels of government; and,
- to facilitate the development of affordable housing in Hamilton through the "HAHPI Housing Partnership Fund".

With an initial capital infusion of $1.5 million, the HAHPI Housing Partnership Fund symbolizes the City's strong desire and commitment to address the affordable rental housing supply needs in our community.

Purpose of the HAHPI Housing Partnership Fund:

The intent of the HAHPI Housing Partnership Fund is to partner in the funding of new permanent affordable rental housing in the City of Hamilton. The use of the HAHPI Housing Partnership Fund will be limited to one-time capital contributions for private sector and community-led projects. The HAHPI Housing Partnership Fund will not be used for on-going operating requirements or rent subsidies. The HAHPI Housing Partnership Fund will not be used to fund studies, surveys, incorporations, consultants and other development-related soft costs.

The HAHPI Housing Partnership Fund is to be used as a lever to secure other funding and resources. Monies disbursed from the HAHPI Housing Partnership Fund will represent only a portion of the total capital costs of new permanent affordable housing supply initiatives. Proponents are responsible for accessing other funding sources and/or fundraising required for capital and operating costs.

Program Objectives:

The need for new affordable rental housing is urgent. Priority will be given to proposals/initiatives with short construction time frames to unit completion that will result in the creation of new affordable rental housing units through new construction, renovation, rehabilitation or conversion. Proposals that displace existing tenants will not be considered.

Proposals to create new affordable rental housing units will be encouraged to access other housing supply programs to maximize benefits from the dollars spent. These programs include the Federal/Provincial Community Rental Housing Program and the Residential Rehabilitation Assistance Program (RRAP).

In order to ensure housing affordability across a range of income spectrums, the Rent Supplement Program will be utilized to allow tenants on a geared-to-income basis to access the new rental housing units.

Eligibility:

To be eligible for HAHPI Housing Partnership Fund monies, an applicant must be a non-profit corporation or private sector corporation and the projects supported must be within the boundaries of the City of Hamilton. City-owned housing corporations are not eligible to access the HAHPI Housing Partnership Fund as monies are normally obtained through the City's annual capital budget allocation. Projects must contain at least 7 rental units.

Municipal Housing Project Facilities Agreement and By-law:

Municipalities may offer concessions to private and non-profit companies for affordable housing construction. These concessions can include:

- Property tax exemptions;
- Low interest loans or grants;
- Giving, selling or leasing municipal land at less than market value; and,
- Full or partial exemption from municipal development charges.

It is anticipated that proponents and/or the City of Hamilton will seek to enter into a municipal housing project facilities agreement among the parties. This agreement will be duly authorized by City Council through a project specific municipal housing project facilities by-law. The agreement and by-law will stipulate, among other items, maximum average market rents and other housing affordability goals for specified periods of time in addition to potential concessions by the City of Hamilton.

Property Tax Implications:

The City has established a "New Multi-Residential" tax class for new rental structures containing 7 or more units. Under this separate property tax class, property taxes for new rental housing structures are approximatelty one-half that of property taxes for a similar existing rental structures.

Project Selection:

Project selection will be based on a competitive Request for Proposal (RFP) process and/or a Request for Expression of Interest (RFEI). Requests for Proposals may be issued for specific types of projects or there may be a Request for Expression of Interest, followed by invited proposals from a short list. Proposals will outline the full amount of HAHPI Housing Partnership Fund monies and/or other municipal assistance being requested to support the project, and provide an assessment of feasibility and potential benefits and risks.

Key requirements for each project proposal and/or expression of interest will include:

- a detailed business plan to demonstrate financial viability;
- a successful track record and financial competence for the community and private sector partners involved, including contacts and references;
- sufficient funding for total project costs, including equity contribution;
- clear delineation of requested City of Hamilton financial and/or other assistance including confirmation that funding will not be used for repayment of an existing debt;
- implementation plan and schedule;
- commitments of support service funding, where needed; and,
- an awareness and familiarity to social and neighbourhood factors and the land use planning approval process.

Evaluation Criteria:

Proposals/initiatives for funding under the HAHPI Housing Partnership Fund will be assessed by a staff team composed of representatives from the Housing Division and other City staff. The following criteria will be utilized:

- strength and background of the proponents;
- viability of business plan;
- viability of operating budgets;
- land use planning approvals achieved and/or in progress;
- evidence and sufficiency of funding for balance of project capital costs;
- attainment of program outcomes;
- degree of housing affordability of the new units;
- length of time for affordability;
- type of other municipal assistance requested, e.g., loan, grant, land contribution, waiving of development charges, property tax exemptions, etc.;
- per unit amount of capital grant monies requested;
- availability of tenant support services;
- availability and extent of equity;
- extent of community partnerships; and,
- cost effectiveness in comparison to other proposals/initiatives.

Approval Process and Reporting:

Decisions about funding allocations under the HAHPI Housing Partnership Fund will be considered as part of a Request for Proposal and/or Request for Expression of Interest process. Any City commitment, financial or otherwise, will be established as part of a legal agreement(s) with the respective proponent that shall be registered on title. Council approval will be required before any allocation and related legal agreement is executed.

In situations where a municipal housing project facilities agreement is being considered, City Council shall authorize the agreement through the passing of a project specific municipal housing project facilities by-law.

The legal agreement(s) between the proponent and the City shall establish the exact monetary and/or other contributions/assistance the City will provide as part of the partnership, as well as capital contribution levels to be provided by other partners, project details and affordability commitments, timing and remedies/ consequences.

Housing Division
City of Hamilton
December, 2002

CITY WIDE IMPLICATIONS

CITY OF HAMILTON

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PLANNING AND DEVELOPMENT DEPARTMENT
Downtown Renewal Division

COMMUNITY SERVICES DEPARTMENT
Design and Construction Division

TRANSPORTATION, OPERATIONS & ENVIRONMENT DEPARTMENT
Infrastructure and Environmental Planning Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Lee Ann Coveyduck General Manager William E. Fenwick A/General Manager Scott Stewart Acting General Manager
Date: **File:**	December 20, 2002 1302-1	**Prepared by:**	Ron Marini (905) 546-4178 Hazel Milsome (905) 546-2755 Domenic Lunardo (905) 546-3982 Gerry Davis (905) 546-4479

SUBJECT: **Proposed 10 Year Capital Budget for Downtown Hamilton, the West Harbourfront, and other Downtowns and Business Improvement Areas (PD02235/CS02105/TOE03007) (City Wide)**

RECOMMENDATION:

a) That the proposed Downtown Capital Plan and West Harbourfront Capital Plan prepared by the Downtown/West Harbourfront Co-ordinating Committee and the proposed Downtown Renewal Division's Capital Plan for the other Downtowns and Business Improvement Areas be received for information and referred to Committee of the Whole on budgets for consideration as part of Council's 2003 Capital Budget deliberations; and,

b) That block funding for Downtown Hamilton in the amount of $1,217,000 be considered in the 2003 Capital Budget.

c) That block funding for the other Downtowns in the amount of $250,000 be considered as part of the 2003 Capital Budget and that staff bring back a report that would prioritize the $1.63 M worth of projects detailed in Report PD02235/CS02105/TOE03007 that could proceed under the $250,000 block funding.

LeeAnn Coveyduck
Lee Ann Coveyduck
General Manager
Planning and Development Department

Wood
for William E. Fenwick
A/General Manager
Community Services Department

Scott
Scott Stewart
Acting General Manager
Transportation, Operations & Environment Department

EXECUTIVE SUMMARY:

The purpose of Report PD02235 is to provide information on the Proposed 10 Year Capital Budget Plans for Downtown Hamilton and the West Harbourfront and, the Proposed 10 Year Capital Budget Plan for other Downtowns and each of the eleven (11) Business Improvement Areas.

BACKGROUND:

Downtown Hamilton:

The Downtown/West Harbourfront Co-ordinating Committee (DWHCC), comprising staff from a wide range of municipal departments, developed a 10 Year Downtown Capital Budget Plan in 2001 that was formulated in consultation with the general public. The Plan fully supports Council's policy relative to the intended development of the downtown core as envisioned in the Downtown Secondary Plan and the Downtown Transportation Master Plan. The 10 Year Downtown Capital Budget Plan for the years 2002-2011 was forwarded to Council in December 2001 as an information package.

The DWHCC has reviewed the 10-Year Downtown Capital Budget Plan to ensure challenges faced over 2003, related to the World and Canadian Cycling Championships, are met. The Committee also re-confirmed the scheduling and co-ordination of the development of master plans, implementation of infrastructure works through Transportation, Operations and Environment and, implementation of the master plan streetscape works, with a view to minimizing interruption during implementation of all the works.

The proposed Downtown Capital Budget Plan is attached to this report as Appendix 'A'. It proposes works over 2003-2012. It is acknowledged that the figures in the report are best estimates and that the projections towards the end of the plan are less reliable. However, the important principle is that Council has a 10-Year Downtown Capital Budget Plan available to guide decision making.

Staff has identified the following projects for the Downtown Core in 2003:

Project	Estimated Cost	Funding Source
King William – James to Catharine*	$2,051,000	Community Trust Fund (Approved)
Hughson Street – Hunter to Rebecca*	$2,213,000	Community Trust Fund (Approved)
King Street Master Plan including gateway at Hess Street	$100,000	Consideration during Capital Budget deliberations
Bay Street Streetscaping – additional phase work	$410,000	Consideration during Capital Budget deliberations
King Street Pedestrian Improvements – James to Bay – Master Plan and detailed design and tender drawings	$217,000	Consideration during Capital Budget deliberations
Ferguson Avenue Master Plan – Main to Hunter – detailed design and tender drawings	$90,000	Consideration during Capital Budget deliberations
Downtown Zoning By-law and Development Permit System	$250,000	Consideration during Capital Budget deliberations
Walnut Street Laneway Refurbishment	$150,000	Consideration during Capital Budget deliberations
TOTAL BUDGET **APPROVED TO DATE (Community Trust Fund)** **REMAINING**	**$5,462,000** **$4,264,000** ***$1,217,000***	To be considered during capital budget deliberations

In conclusion, it is recommended that $1,217,000 be set aside in downtown block funding for capital budget purposes.

** Note: These projects will be co-ordinated with T.O.E. and implemented in 2004.*

Other Downtowns and Business Improvement Areas:

The Downtown Renewal Division, Planning and Development Department, developed a 10-Year Capital Budget Plan for the other downtowns and business improvement areas in the City of Hamilton. The 10-Year Capital Budget Plan outlines priorities for publicly funded initiatives in these areas. Implementation of the initiatives will encourage pedestrian-oriented street environments that serve as a base for overall revitalization.

The Capital Budget Plan for the other downtowns and business improvement areas fully supports existing urban design plans i.e. King Street and Hatt Street in Dundas and the Olde Town Urban Design Plan for Stoney Creek. It is the intention of the Downtown Renewal Division to develop urban design plans for each of the areas starting with the Concession and Westdale Village B.I.A.s in 2002. The 10-Year Capital Budget will be reviewed each year to re-confirm scheduling and co-ordination with other department's works within the areas.

Staff has identified the following projects for the other downtowns and business improvement areas in 2003:

Project	Estimated Cost	Funding Source
Dundas B.I.A. Street signage, benches, litter containers, planters	$50,000	Consideration during Capital Budget deliberations
Hatt Street Design and working drawings	$125,000	Consideration during Capital Budget deliberations
Waterdown B.I.A. Street signage, benches, litter containers, planters, planted medians	$50,000	Consideration during Capital Budget deliberations (potential for BIA to contribute monies)
Stoney Creek B.I.A. Augustus Jones Sculpture	$150,000	Consideration during Capital Budget deliberations for Taro Royalty funding
Westdale Village B.I.A. Corner parkette, banners, street signage, traditional lighting	$450,000	Consideration during Capital Budget deliberations
Concession Street B.I.A. Street blades, benches, planters	$70,000	Consideration during Capital Budget deliberations
Ottawa Street B.I.A. Benches, litter containers, street blades	$60,000	Consideration during Capital Budget deliberations

Barton Village B.I.A. Benches, litter containers, planters	$70,000	Consideration during Capital Budget deliberations
Main Street West B.I.A. Gateway signage	$100,000	Consideration during Capital Budget deliberations
Ancaster Village Core Street blades, benches, litter containers	$50,000	Consideration during Capital Budget deliberations
Hanging Flower Baskets for Barton, Concession, Main, Ottawa, Waterdown and Westdale B.I.A.s	$120,000	Consideration during Capital Budget deliberations
Commercial Assessments for B.I.A.s for Downtown Hamilton, International Village, King Street West, Main Street West and Stoney Creek B.I.A.s	$100,000	Consideration during Capital Budget deliberations
Commercial Property Improvement Grant Program for 11 B.I.A.s	$250,000	Consideration during Capital Budget deliberations
TOTAL BUDGET	***$1,645,000***	Block funding of $250,000 is recommended. A separate report identifying proposed projects for the block funding will be forwarded in a separate report.

Please note that the Downtown Hamilton, International Village and King Street West B.I.A.s fall within the boundaries of the Downtown Hamilton Community Improvement Project Area and subsequently have had their streetscape improvements implemented through the City of Hamilton's Downtown initiatives. Also note that the preparation of an urban design plan for Binbrook Village is currently being undertaken, and projects to implement the urban design plan will be included in future budgets.

West Harbourfront:

The Downtown/West Harbourfront Co-ordinating Committee (DWHCC) developed a 10 Year West Harbourfront Capital Budget Plan for the years 2003-2012. The following projects are identified for consideration for funding in 2003:

Project	Estimated Cost	Funding Source
Harbourfront Trail Pier 8 (Community Services)	$800,000	Community Trust Fund (Approved)
Waterfront/Downtown Brownfields – EA Study (Planning and Development) * Included as part of the Official Plan Review	$150,000	Consideration during Capital Budget deliberations
DesJardins Canal Walkway – Emergency Plan and Implementation (Community Services)	$240,000	Consideration during Capital Budget deliberations
Mary Street Bridge (Transportation, Operations and Environment)	$3,000,000	Consideration during Capital Budget deliberations
TOTAL BUDGET **APPROVED TO DATE (Community Trust Fund)** **REMAINING**	**$4,190,000** **$800,000** **$3,390,000**	

Please note that the capital projects listed are included in the capital submissions of various departments i.e. Community Services, Planning and Development and Transportation, Operations and Environment.

ANALYSIS OF ALTERNATIVES:

The alternatives could include do nothing to approval of limited projects to approval of all items. The submissions align with the Council's strategic plan. More importantly, these initiatives support Council's plan to support the many communities that comprise the City of Hamilton.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial:

Downtown Hamilton:

The preparation of the Downtown Capital Budget Plan represents a co-operative process involving a wide section of the municipal administration. The Plan captures the relevant components needed to create the public infrastructure and public space improvements designed to promote the revitalization of the Downtown Core. It is understood that the Downtown Capital Budget Plan will be submitted as part of the 2003 Capital Budget for consideration by Council.

The summary document outlining the various projects and their timing is attached to this report as Appendix 'A'. As well, included as Appendix 'B', is a series of maps illustrating the priority for the various works contemplated in the downtown over the next 10 years. The maps illustrate short, medium and long term priorities.

Other Downtowns and Business Improvement Areas:

The Downtown Renewal Division's Capital Budget Plan for the other downtowns and business improvement areas has been co-ordinated with proposed infrastructure works of the Transportation, Operations and Environment Department. The Plan includes the key elements which serve as a base for overall revitalization of our commercial districts.

The summary document outlining the various projects and their timing is attached to this report as Appendix 'C'.

The current budget implications are included on the submission sheets for the individual projects.

West Harbourfront:

The preparation of the West Harbourfront Capital Budget Plan represents a co-operative process with a wide section of the municipal administration. It is understood that the West Harbourfront Capital Budget Plan will be submitted as part of the 2003 Capital Budget for consideration by Council.

The summary document outlining the various projects and their timing is attached to this report as Appendix 'D'.

Staffing:

There are no direct staffing implications for the implementation of the Downtown Capital Plan, the West Harbourfront Capital Plan or the Capital Budget Plan for the other downtowns and business improvement areas.

Legal:

There are no direct legal implications resulting from the recommendations contained within Report PD02235.

POLICIES AFFECTING PROPOSAL:

Not applicable.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Downtown Hamilton and West Harbourfront:

The DWHCC is the Committee that developed the Proposed 10-Year Downtown Capital Budget Plan and the 10-Year West Harbourfront Capital Budget Plan. Its membership comprises representatives from Planning and Development, Community Services, Transportation, Operations and Environment, Economic Development, Social and Public Health, Police Department and Hamilton Hydro.

Other Downtowns and Business Improvement Areas:

The Downtown Renewal Division developed the Proposed 10-Year Capital Plan for the other downtowns and business improvement areas with staff from the Transportation, Operations and Environment Department to ensure efforts are co-ordinated; thus minimizing the impact during implementation.

CITY STRATEGIC COMMITMENT:

The initiatives are consistent with Council's strategic commitments to create a city of growth and opportunity; a great city in which to live; a healthy, safe and green city; a city where people come first and a city that spends wisely and invests strategically.

Attachs. (4)

City of Hamilton
Hamilton Downtown/West Harbourfront Committee

Appendix "A" to Report PD02235/CS02105/TOE03007
Page 1 of 3

Capital Implementation Sub-Committee

Priority : High 1 to 3 years, Medium 4 to 8 Years, Low 8 + years

3-Year and 10-Year Capital Plan for Downtown Hamilton Secondary Area

Proj. No.	Prior	Project Name	Work	Ward	Lead Depart	Est. Budget (x $1,000)	Approved 2002	10 Year Capital Forecast									
								2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
D-01	CC	City Hall Design & Renovation	MP	2	CSD	TO BE DETERMINED		TO BE DETERMINED									
D-01A		Central Fire Station	Fire Stn	2	CSD	$ 3,500	$ 3,500										
D-01B		AGH King St +15		2	CSD	$ 50										$ 50	
D-01C		AGH King St Improvements *(see note 1)*			P&D	$ -											
D-01D		Street Master Plan (Bay, Cannon, James, John, Hughson and Hunter St.)	MP	2	P&D	$ 250	$ 250										
D-01E		City Hall - Forecourt Temporary Landscaping	Open Space	2	CSD	$ 125	$ 125										
D-02		Special Events and Christmas Decorations	promotion	2	CSD	$ 100	$ 100										
D-03	CC	Western Plaza Location Study		2	P&D	$ 80				$ 80							
D-03A		Western Plaza Land Acquistion		2	F&CS	$ 1,500						$ 1,500					
D-03B		Western Plaza Construction	Open Space	2	CSD	$ 1,000							$ 1,000				
D-04	CC	King William Park Design & Const.	Open Space	2	CSD	$ 500				$ 500							
D-05		Loan Program (Deleted)				$ -											
D-06	A01	City Housing Downtown	Housing	2	P&D	$ 1,200			$ 1,200								
D-07		Public Art Fund *(see Note 2)*		2		$ -											
D-08	A07	Downtown Zoning By-law	Zoning	2	P&D	$ 250		$ 250									
D-09	A11	Downtown Branding Project	MP	2	P&D	$ 150			$ 150								
D-10		Bay- Main to Cannon (Phase 1)	ped/street	2	P&D	$ 3,200	$ 3,200										
D-10A	CC	Bay Street Streetscaping additional work	ped/street	2	P&D			$ 410									
D-10B	CC	Bay - Main to Hunter	ped/street	2	P&D	$ 1,060			$ 106	$ 954							
		Bay - York to Cannon	ped/street	2	P&D		$ 1,038				$ 1,038						
		Bay - King To York	ped/street	2	P&D	$ 1,089					$ 1,089						
		Bay - Intersection @ Main	ped/street	2	P&D	$ 66					$ 66						
D-11		Cannon Street - Queen to Bay	ped/street	2	P&D	$ 3,318							$ 3,318				
D-11A		Cannon Street - Bay to Catharine	ped/street	2	P&D	$ 5,460								$ 5,460			
D-11B		Cannon Street - Catharine to Wellington	ped/street	2	P&D	$ 3,666									$ 3,666		
D-12	CC	Caroline Street Master Plan	MP	2	P&D	$ 60			$ 60								
D-12A	AB**	Caroline - Napier to York	2-way	2	TOE	$ 50		$ 50									
D-12B	CC	Caroline - Main to York	ped/street	2	P&D	$ 1,932			$ 290	$ 1,642							
D-12C	AB**	Caroline St - Herkimer to York	Cycling	2	TOE	$ 50		$ 50									
D-12D	CC	Caroline - Main to Aberdeen (water)	water	2	TOE	$ 605				$ 605							
D-13		Catharine St. Master Plan	MP	2	P&D	$ -											
D-13A	CC	Catharine St. - Main to Wilson	ped/street	2	P&D	$ 2,385			$ 239	$ 2,146							
D-13B	CC	Catharine St. - Hunter to Main	ped/street	2	P&D	$ 880				$ 880							
D-13C		Catharine St. - Wilson to Cannon	ped/street	2	P&D	$ 760						$ 760					
D-13D	CC	Catharine St. - Rebecca to Cannon (water)	water	2	TOE	$ 201				$ 201							
D-14	AB	Cathcart\Easement\Jarvis - Cannon to King (sanitary, s	san/storm	2	TOE	$ 20			$ 20								
D-15	AB**	Charlton Ave - James to John (*)	2-way	2	TOE	$ 100		$ 100									
D-16	AB**	Ferguson Ave - Hunter to Barton	Cycling	2	TOE	$ 15		$ 15									
D-16A	A06	Ferguson Ave. - Main to Hunter	ped/street	2	P&D	$ 734		$ 90	$ 644								

Appendix 'A' To Report PD02235/CS02105/TOE03007 - Page 2 of 3

Proj. No.	Prior	Project Name	Work	Ward	Lead Depart	Est. Budget (x $1,000)	Approved 2002	10 Year Capital Forecast									
								2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
D-17		George St. Master Plan	MP	2	P&D	$ 60							$ 60				
D-17A		George St. - Caroline to Bay	ped/street	2	P&D	$ 400								$ 400			
D-18D	CC	Hess Street Master Plan	MP	2	P&D	$ 60				$ 60							
D-18A		Hess St - York to Barton (*)	2-way	2	TOE	$ 150					$ 150						
D-18B		Hess St. - Hunter to Main	ped/street	2	P&D	$ 840					$ 840						
D-18C		Hess St. - King to Cannon	ped/street	2	P&D	$ 1,680						$ 1,680					
D-19		Hughson St. Master Plan	MP	2	P&D	$ -	In house										
D-19A	AB**	Hughson St - Wilson to Barton (*)	2-way	2	TOE	$ 200		$ 200									
D-19B	A03	Hughson St - Hunter to Rebecca	ped/street	2	P&D	$ 2,213		$ 2,213									
D-19C	CC	Hughson St. - Rebecca to Cannon	ped/street	2	P&D	$ 628			$ 628								
D-19D	AB	Hughson St. - Main to Hunter	Water	2	TOE	$ -		X									
D-20	CC	Hunter St - Queen to Wellington	2-way	2	TOE	$ 400			$ 400								
D-20A	AB**	Hunter St - Queen to Wellington	Cycling	2	TOE	$ 15		$ 15									
D-20B	CC	Hunter St. - Catharine to Bay	ped/street	2	P&D	$ 3,925			$ 3,925								
D-20C	CC	Hunter St. - Bay to Queen	ped/street	2	P&D	$ 1,725				$ 1,725							
D-20D		Hunter St. - Wellington to Catharine	ped/street	2	P&D	$ 1,930					$ 1,930						
D-20E	CC	Hunter St. - Wellington to Catharine (water)	water	2	TOE	$ 400				$ 400							
D-21	CC	Jackson St. Master Plan	MP	2	P&D	$ 20				$ 20							
D-21A		Jackson St. - MacNab to Wellington	ped/street	2	P&D	$ 4,830					$ 4,830						
D-21B		Jackson St. - James to Wellington (water)	water	2	TOE	$ 545					$ 545						
D-22	A10	James Street - Main to St. Joseph's	ped/street	2	P&D	$ 1,272			$ 127	$ 1,145							
D-22A		James Street - Tivoli Square	Open Space	2	CSD	$ 560						$ 60	$ 500				
D-22B	AB	James St. Phase Two (*)	2-way	2	TOE	$ 300		$ 300									
D-23	CC	Jarvis St Extension - King to end	road	2	TOE	$ 200			$ 200								
D-23A	CC	Jarvis St. - King William to end (water)	water	2	TOE	$ 71			$ 71								
D-24	AB	John Street - Phase Two (*)	2-way	2	TOE	$ 300		$ 300									
D-24A	CC	John Street - Hunter to King William	ped/street	2	P&D	$ 4,108			$ 411	$ 3,697							
D-24B	CC	John Street - King William to Cannon	ped/street	2	P&D	$ 2,940			$ 2,940								
D-25	A04	King St. Master Plan (incl. Gateway @ Hess)	MP	2	P&D	$ 100		$ 100									
D-25A	CC	King Street - James to Bay	ped/street	2	P&D	$ 2,173		$ 217	$ 1,956								
D-25B	CC	King Street - gateway at hess		2	P&D	$ 200			$ 200								
D-25C	CC	King St. - Queen to Wellington	2-way	2	TOE	$ 400				$ 400							
D-25D		King St. - Jackson Square Open Space	Open Space	2	CSD	$ 560								$ 60	$ 500		
D-26		King William Master Plan James - Wellington	MP	2	P&D	$ 60	$ 60										
D-26A	A02	King William - James to Catharine	ped/street	2	P&D	$ 2,339	$ 288	$ 2,051									
D-26B	CC	King William St. - John to Mary	2-way	2	TOE	$ 60				$ 60							
D-27		Deleted															
D-28	CC	MacNab Street Master Plan	MP	2	P&D	$ 60			$ 60								
D-28A	CC	MacNab Street - King to Hunter	ped/street	2	P&D	$ 4,028				$ 4,028							
D-28B	AB	Downtown Transit Terminal	EA	2	TOE		$ 125										
D-28C	CC	Downtown Transit Terminal	Constr.	2	TOE	$ 2,900			$ 1,900	$ 1,000							
D-29	B4	Main St. Master Plan	MP	2	P&D	$ 80			$ 80								
D-29A	CC	Main St. W - Queen to Bay	ped/street	2	P&D	$ 2,330				$ 2,330							

Appendix 'A' to Report PD02235/CSC2105/TOE03007 - Page 3 of 3

Proj. No.	Prior	Project Name	Work	Ward	Lead Depart	Est. Budget (x $1,000)	Approved 2002	10 Year Capital Forecast									
								2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
D-29B		Main St. W - Bay to McNab	ped/street	2	P&D	$ 1,480					$ 1,480						
D-29C		Main St. W - McNab to Catharine	ped/street	2	P&D	$ 2,330						$ 2,330					
D-29D		Main St. W - Catharine to Wellington	ped/street	2	P&D	$ 2,100							$ 2,100				
D-29E		Main Street - Courthouse Square Plan	Open Space	2	P&D	$ 450						$ 450					
D-30	CC	Market Street	ped/street	2	P&D	$ 600				$ 600							
D-31	CC	Mary St. - King to Cannon	ped/street	2	P&D	$ 1,900				$ 1,900							
D-32	CC	Napier St. - Caroline to Bay	ped/street	2	P&D	$ 1,590			$ 159	$ 1,431							
D-33	CC	Park Street Master Plan	MP	2	P&D	$ 20				$ 20							
D-33A		Park Street	ped/street	2	P&D	$ 1,521					$ 1,521						
D-33B		Park St N - York to Barton (*)	2-way	2	TOE	$ 200					$ 200						
D-34		Queen Street Master Plan	MP	2	P&D	$ 60						$ 60					
D-34A		Queen St. - King to Hunter	ped/street	2	P&D	$ 1,855							$ 1,855				
D-34B		Queen St. - King to York/Cannon	ped/street	2	P&D	$ 1,932									$ 1,932		
D-35	CC	Rebecca St. Master Plan	MP	2	P&D	$ 20				$ 20							
D-35A		Rebecca Street - Wellington to James	ped/street	2	P&D	$ 2,970					$ 2,970						
D-35B		Rebecca St. - John to Wellington	2-way	2	TOE	$ 300					$ 300						
D-38	CC	Vine St. - James to Bay (water)	water	2	TOE	$ 210			$ 210								
D-39	CC	Walnut St. - Main to Augusta (water)	water	2	TOE	$ 262			$ 262								
D-39A	A08	Walnut St. Laneway	road	2	P&D	$ 150		$ 150									
D-39B	AB	Walnut St. Main to King	Water	2	TOE	$ -		X									
D-40	CC	Wellington St. Master Plan	MP	2	P&D	$ 80			$ 80								
D-40A	CC	Wellington St. - King William to Main	ped/street	2	P&D	$ 1,530				$ 1,530							
D-40B		Wellington St. - Main to Hunter	ped/street	2	P&D	$ 780						$ 780					
D-40C		Wellington St. - Cannon to King William	ped/street	2	P&D	$ 1,480								$ 1,480			
D-41	CC	York/Wilson	MP	2	P&D	$ 60				$ 60							
D-41A		York Blvd./Wilson St - Bay to Wellington	2-way	2	TOE	$ 400					$ 400						
D-41B		York Blvd. - Queen to James	ped/street	2	P&D	$ 4,240					$ 4,240						
D-41C		Wilson St. - James to Catharine	ped/street	2	P&D	$ 1,480									$ 1,480		
D-41D		Wilson St. - Catharine to Wellington	ped/street	2	P&D	$ 1,800										$ 1,800	
D-41E		York Blvd - Hess to Hughson	Cycling	2	TOE	$ 15					$ 15						
D-42	A06	CHIRP	Loan/Grant	2	P&D	$ 600			$ 140	$ 140	$ 140	$ 180					
D-43		Public Art Projects	Art			$ -											
D-44		Signage/Downtown Way Signs	Plan			$ -											
D-45		Open Space Acquisitions	Acquisition			$ -											
D-46		Parking Master Plan/Projects	Plan			$ -											
D-47		Summers Lane	Plan			$ -											
		Total				$ 111,833	$ 8,686	$ 6,511	$ 16,458	$ 27,574	$ 21,754	$ 7,800	$ 8,833	$ 7,400	$ 7,578	$ 1,850	$ -

NOTES:

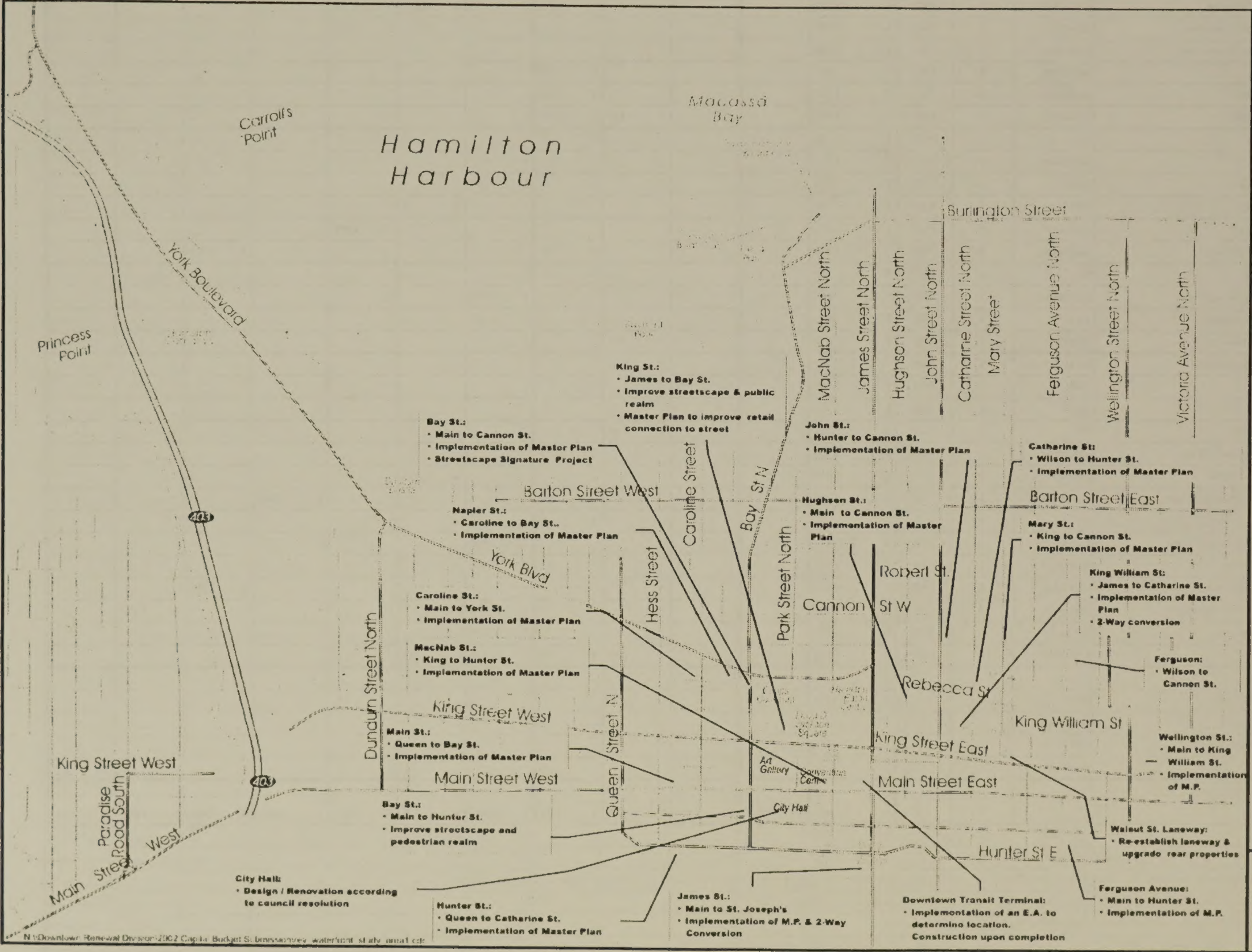
** Money available in budget under T O E 's Annual Budget

Improvements on King Street will be required when the Art Gallery Project proceeds. As the timing for this project by the AGH is not known currently, this is an identified project with no funding amounts.

The Public Art Fund will be funded through 1% contributions from capital projects, in accordance with the Downtown Secondary Plan

Asterisks (*) denotes projects supporting the Downtown Hamilton Secondary Plan mobility principles

The Implementation Subcommittee strongly recommends that an infrastructure project and corresponding streetscape development be advanced and approved simultaneously.

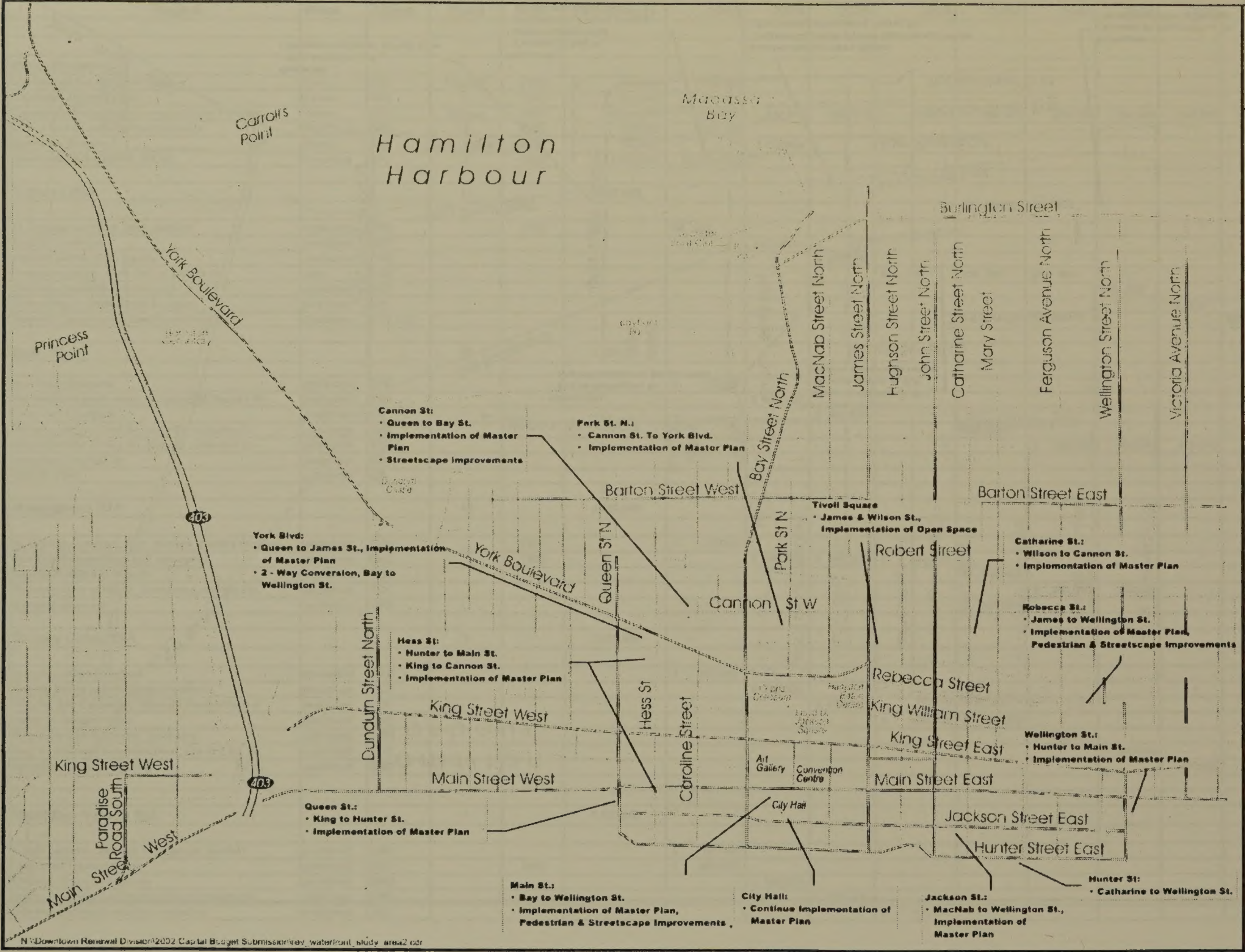

Carroll's Point
Hamilton Harbour
Macassa Bay
Princess Point
York Boulevard
403
King St.:
• James to Bay St.
• Improve streetscape & public realm
• Master Plan to improve retail connection to street
Bay St.:
• Main to Cannon St.
• Implementation of Master Plan
• Streetscape Signature Project
John St.:
• Hunter to Cannon St.
• Implementation of Master Plan
Catharine St:
• Wilson to Hunter St.
• Implementation of Master Plan
Burlington Street
MacNab Street North
James Street North
Hughson Street North
John Street North
Catharine Street North
Mary Street
Ferguson Avenue North
Wellington Street North
Victoria Avenue North
Barton Street West
Caroline Street
Bay St N
Napier St.:
• Caroline to Bay St..
• Implementation of Master Plan
Hughson St.:
• Main to Cannon St.
• Implementation of Master Plan
Barton Street East
Mary St.:
• King to Cannon St.
• Implementation of Master Plan
York Blvd
Hess Street
Park Street North
Robert St.
Cannon St W
King William St:
• James to Catharine St.
• Implementation of Master Plan
• 2-Way conversion
Caroline St.:
• Main to York St.
• Implementation of Master Plan
MacNab St.:
• King to Hunter St.
• Implementation of Master Plan
Ferguson:
• Wilson to Cannon St.
Rebecca St
Dundurn Street North
King Street West
Queen Street N
King William St
Main St.:
• Queen to Bay St.
• Implementation of Master Plan
King Street East
Wellington St.:
• Main to King William St.
• Implementation of M.P.
King Street West
Main Street West
Art Gallery
Convention Centre
Main Street East
Paradise Road South
Main Street West
Bay St.:
• Main to Hunter St.
• Improve streetscape and pedestrian realm
City Hall
Walnut St. Laneway:
• Re-establish laneway & upgrade rear properties
Hunter St E
City Hall:
• Design / Renovation according to council resolution
Hunter St.:
• Queen to Catharine St.
• Implementation of Master Plan
James St.:
• Main to St. Joseph's
• Implementation of M.P. & 2-Way Conversion
Downtown Transit Terminal:
• Implementation of an E.A. to determine location.
Construction upon completion
Ferguson Avenue:
• Main to Hunter St.
• Implementation of M.P.
N:\Downtown Renewal Division\2002 Capital Budget Submission\rev waterfront study anna1.cdr

Short Term Priorities 2003 - 2005

APPENDIX B

City of Hamilton
Planning & Development Department
Long Range Planning and Design Division
Technical and Cartographic Services

October 2002


Hamilton Harbour
Carrolls Point
Princess Point
Macassa Bay
York Boulevard
403
King Street West
Paradise Road South
Main Street West
Dundurn Street North
King Street West
Main Street West
York Boulevard
Queen St N
Hess St
Caroline Street
Barton Street West
Cannon St W
Bay Street North
Park St N
Art Gallery
Convention Centre
City Hall
MacNab Street North
James Street North
Hughson Street North
John Street North
Catharine Street North
Mary Street
Ferguson Avenue North
Wellington Street North
Victoria Avenue North
Burlington Street
Barton Street East
Robert Street
Rebecca Street
King William Street
King Street East
Main Street East
Jackson Street East
Hunter Street East

Cannon St:
- Queen to Bay St.
- Implementation of Master Plan
- Streetscape Improvements

Park St. N.:
- Cannon St. To York Blvd.
- Implementation of Master Plan

York Blvd:
- Queen to James St., Implementation of Master Plan
- 2 - Way Conversion, Bay to Wellington St.

Hess St:
- Hunter to Main St.
- King to Cannon St.
- Implementation of Master Plan

Tivoli Square
- James & Wilson St., Implementation of Open Space

Catharine St.:
- Wilson to Cannon St.
- Implementation of Master Plan

Rebecca St.:
- James to Wellington St.
- Implementation of Master Plan, Pedestrian & Streetscape Improvements

Wellington St.:
- Hunter to Main St.
- Implementation of Master Plan

Queen St.:
- King to Hunter St.
- Implementation of Master Plan

Main St.:
- Bay to Wellington St.
- Implementation of Master Plan, Pedestrian & Streetscape Improvements.

City Hall:
- Continue Implementation of Master Plan

Jackson St.:
- MacNab to Wellington St., Implementation of Master Plan

Hunter St:
- Catharine to Wellington St.

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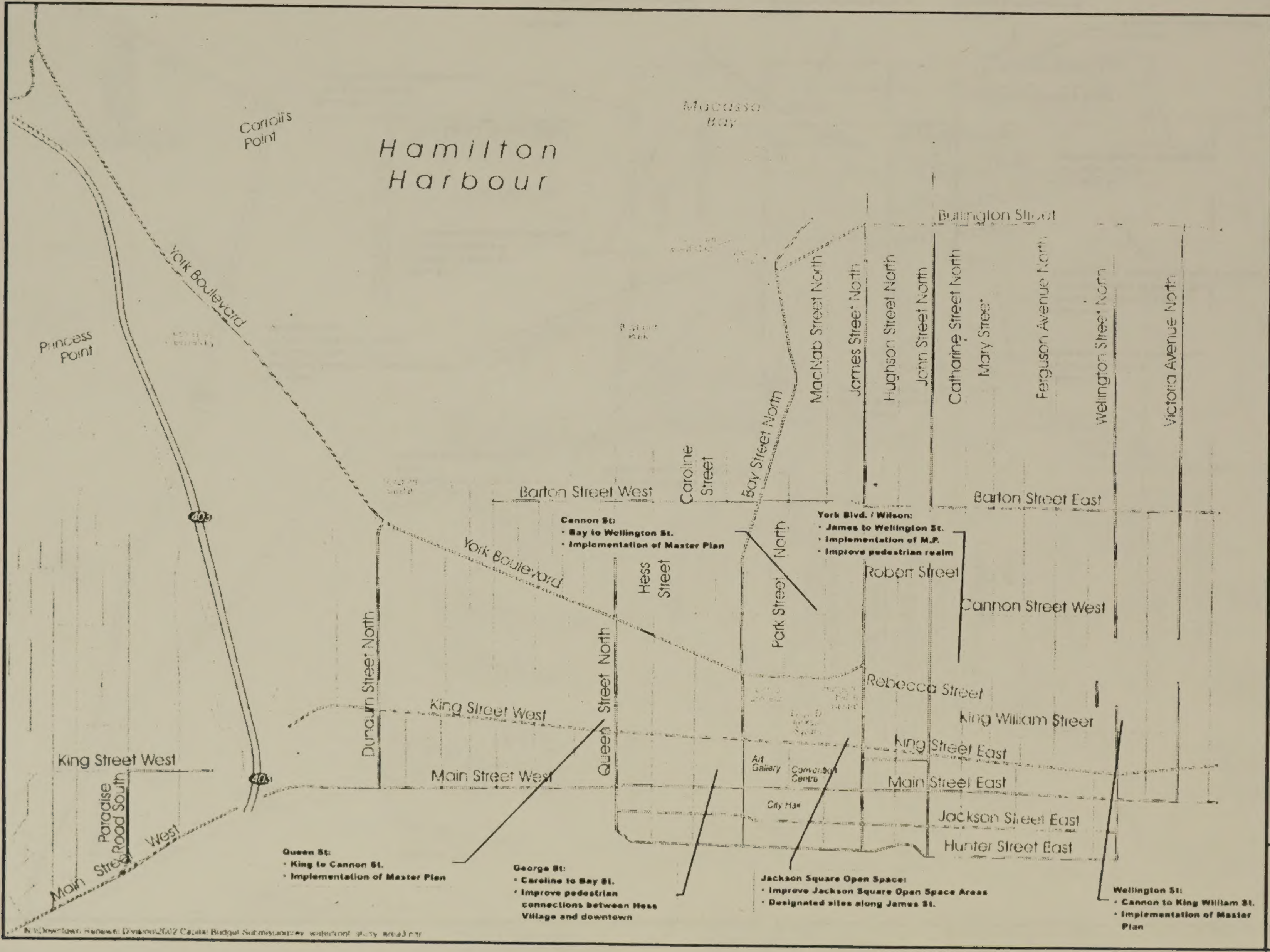
Medium Term Priorities 2006 - 2008

APPENDIX B

City of Hamilton
Planning & Development Department
Long Range Planning and Design Division
Technical and Cartographic Services

October 2002


Hamilton Harbour
Carroll's Point
Princess Point
Macassa Bay
York Boulevard
403
King Street West
Paradise Road South
Main Street West
Dundurn Street North
Queen Street North
Hess Street
Caroline Street
Bay Street North
Park Street North
Barton Street West
Barton Street East
MacNab Street North
James Street North
Hughson Street North
John Street North
Catharine Street North
Mary Street
Ferguson Avenue North
Wellington Street North
Victoria Avenue North
Burlington Street
Robert Street
Cannon Street West
Rebecca Street
King William Street
King Street East
Main Street East
Jackson Street East
Hunter Street East
Art Gallery
Convention Centre
City Hall

Queen St:
- **King to Cannon St.**
- **Implementation of Master Plan**

George St:
- **Caroline to Bay St.**
- **Improve pedestrian connections between Hess Village and downtown**

Cannon St:
- **Bay to Wellington St.**
- **Implementation of Master Plan**

York Blvd. / Wilson:
- **James to Wellington St.**
- **Implementation of M.P.**
- **Improve pedestrian realm**

Jackson Square Open Space:
- **Improve Jackson Square Open Space Areas**
- **Designated sites along James St.**

Wellington St:
- **Cannon to King William St.**
- **Implementation of Master Plan**

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Long Term Priorities 2009 - 2012

APPENDIX B

City of Hamilton
Planning & Development Department
Long Range Planning and Design Division
Technical and Cartographic Services

October 2002

Appendix "C" to Report PD02235/CS02105/TOE03007
Page 1 of 2

DOWNTOWN RENEWAL DIVISION'S PROPOSED 2003-2012 CAPITAL BUDGET

Project	Work	Action	Ward	Dept.	Est. Budget	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Miscellaneous															
Commercial Assessments - B.I.A.s	Study	DRD	1,2,3,4,9	DRD	$ 100,000	100,000									
Downtown Zoning By-law	By-law	DRD	2	DRD	$ 250,000	250,000									
Commercial Property Improvement Grant Program	Grants	DRD	Various	DRD	$ 2,500,000	250,000	250,000	250,000	250,000	250,000	250,000	250,000	250,000	250,000	250,000
Walnut Street Laneway Refurbishment	Ped/Street	DRD	2	DRD	$ 150,000	150,000									
Downtown Branding	Study	DRD	2	DRD	$ 150,000		$150,000								
Downtown Urban Bank	Financing	DRD	2	DRD	$ 2,300,000	$2,300,000									
Dundas BIA			13		3,710,000										
St. Signage, benches, litter, planters	ped/street	DRD		DRD		50, 000.									
King St. Gateways	ped/street	DRD					100, 000.								
York Rd. Corner Park Square	ped/street	DRD						$ 300,000							
Reconstruct King , from York to Market St.	road	TOE							800, 000	800, 000	800, 000.				
Concrete crosswalk Intersections (5 1 / 2)	ped/street	TOE										140, 000.			
Grafton Block, Small Single Fountain	ped/street	CS											120, 000.		
Memorial Square and sidewalk reconstruction	ped/street	TOE,CS												300, 000.	300, 000.
Hatt St.			13		3,725,000										
Hatt Street Drawings	ped/street	DRD				$ 125,000									
Sidewalk/crosswalk recon.at Ogolvie to Foundry St.	ped/street	TOE					$ 600,000								
Town Hall Courtyard	ped/street	CS						$ 300,000							
Reconstruction of Hatt St., Mary St. to Market St.	ped/street	TOE								600, 000.					
Reconstruction of Hatt St., Mary St. to Market St.	ped/street	TOE									$ 400,000	400,000	400,000		
Memorial Park Hatt St.	ped/street	CS												500,000	400,000
John St. Park	ped/street	CS													
Waterdown BIA			15		2,150,000										
St. Signage, benches, litter, planters, planted medians	ped/street	DRD		DRD		$ 50,000									
New Boundary heritage light standards	ped/street	DRD		DRD			$ 600,000	$ 400,000	$ 400,000						
Refurbishment of Bumpouts	ped/street	TOE								$ 100,000					
Reconstruction of Mill St. Intersection and sd. Sts.	ped/street	TOE									$ 300,000	200,000			
Entrance gateways	ped/street	DRD								$ 100,000					
Stoney Creek BIA			9		2,320,000										
Augustus Jones Sculpture	ped/street	DRD				$ 150,000									
King St. Bridge and Boulevard treatment	ped/street	TOE					$ 200,000								
King St., Elm Crosswalk, Sidewalk Reconstruction	ped/street	TOE						$ 400,000							
Jones St. Bridge Project	ped/street	TOE							$ 100,000	$ 150,000					
King St.Median Boulevard Treatment	ped/street	TOE									$ 120,000				
King St. Sidewalk Reconstruction, Elm to 2 nd. St.	ped/street	TOE										400,000			
Secondary heritage Lighting	ped/street	DRD											400,000	400,000	
Westdale Village BIA			1		2,150,000										
Corner parkette, banners, St. Signage, furniture	ped/street	DRD				$ 50,000									
Traditional Theme lighting	ped/street	DRD		DRD		$ 400,000									
Entrance Gateway Features	ped/street	DRD					$ 200,000								
Boulevard paving and crossection improvements	ped/street	DRD						$ 100,000							
Sidewalk and boulevard Reconstruction	ped/street	TOE							$ 1,400,000						

Concession St. BIA			7		1,930,000										
Street Blades, street elements, benches, planters	ped/street	DRD		DRD		$ 70,000									
Gateway features	ped/street	DRD		DRD			$ 100,000								
Westside and central	ped/street	TOE						400, 000							
Eastside boulevard parking	ped/street	TOE							$ 200,000						
crosswalk intersection improvements (8)	ped/street	TOE								$ 160,000					
Period lighting fixtures	ped/street	DRD									$ 500,000	500,000			
Ottawa St. BIA			3,4		1,690,000										
benches, litter, planters, heritage st. blades	ped/street	DRD		DRD		$ 60,000									
gateway features	ped/street	DRD		DRD			$ 60,000								
Concrete crosswalk intersections (6)	ped/street	TOE						$ 200,000							
Street and corner reconstruction	ped/street	TOE							$ 120,000						
Road resurfacing and maintenance	ped/street	TOE								$ 250,000					
Heritage Light fixtures	ped/street	DRD							$ 500,000	$ 500,000					
Barton Village B.I.A.			2,3		370,000										
benches,litter bicycle racks, planters	ped/street	DRD				$ 70,000									
entrance gateway feature	ped/street	DRD					$ 100,000								
international gateway feature	ped/street	DRD		DRD				$ 200,000							
Main Street West B.I.A.			1		360,000										
Gateway Signage	ped/street	DRD		DRD		$ 100,000									
Complete Heritage Light Standards	ped/street	DRD							**$ 260,000**						
King Street West B.I.A.			2												
Entranceway gateway features (Downtown Budget)	ped/street	CS		DRD	DWHC budget	**TBA**									
Ancaster Village			12		715,000										
Street Blades, benches, litter containers	ped/street	DRD				**$ 50,000**									
landscaped median islands for Wilson St.(8)	ped/street	TOE					**$ 160,000**								
Town Square refurbishment and entrance gateways	ped/street	DRD						**$ 300,000**	**$ 80,000**						
Crosswalk intersection improvements (5)	ped/street	DRD								**$ 125,000**					
Binbrook Village			11	PLAN		**TBA**									
urban design plan to be completed	ped/street	TOE													
Plan completed in fall of 2002 for review		PD													
International Village BIA	ped/street		2	DRD	no projects	**TBA**									
Downtown BIA	ped/street	DRD	2	DRD	no projects	**TBA**									
Hanging Flower Baskets															
Barton,Concession,Main, Ottawa,Waterdown,Westdale	ped/street	DRD	1,3,4,6,7,15	DRD	120,000	$ 120,000									

City of Hamilton
Hamilton Downtown/West Harbourfront Committee

Appendix "D" to Report PD02235/CS02105/TOE03007
Page 1 of 1

Capital Implementation Sub-Committee

3-Year and 10-Year Capital Plan for the West Harbour Secondary Area

Priority : High 1 to 3 years, Medium 4 to 8 Years, Low 8 + years

Proj. No.	Project Name	Work	Ward	Lead Depart	Est. Budget (x $1,000)	Approved 2002	10 Year Capital Forecast 2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
W01	Barton St. - Bay to Queen (road)	road	2	TOE	$ 303	$ 303										
W-02	Bay - Cannon to Bayfront Park	ped/street	2	P&D	$ 3,360					$ 3,360						
W-03	Ferguson Ave. - Barton to Waterfront	ped/street	2	P&d	$ 5,870						$ 5,870					
W-04	Harbourfront trail Pier 4 to 8	ped/street	2	CSD	$ 900	$ 900										
W-04A	Harbourfront trail Discovery Ctre Entrance/Guise St.	ped/street	2	CSD	$ 750	$ 750										
W-04B	Harbourfront trail Pier 8	ped/street	2	CSD	$ 800		$ 800									
W-04C	Harbourfront trail Pier 8 Cultural/Historical Marker	ped/street	2	CSD	$ 200			$ 200								
W-04D	Harbourfront trail Pier 9 to Haida	ped/street	2	CSD	$ 1,000				$ 1,000							
W-04E	Harbourfront trail Highlevel Bridge to Burlington	ped/street	1	CSD	$ 1,500			$ 1,500								
W-05	Hess St. - Cannon to Barton	ped/street	2	P&D	$ 1,500								$ 1,500			
W-06	John St. - Cannon to Barton (water)	water	2	TOE	$ 240					240						
W07	MacNab St N - Cannon to Guise	2-way	2	TOE	$ 150				$ 150							
W07A	MacNab - Strachan to Ferrie & Ferrie - MacNab to James (storm)	storm	2	TOE	$ 318				$ 318							
W-08	Mary St. - Cannon to Barton	ped/street	2	P&D	$ 900							$ 900				
w-08A	Mary St. - Bridge	road	2	TOE	$ 3,000		$ 3,000									
W-09	Guise St. - Bay to Catharine	road	2	TOE	$ 1,000	1000										
W-09A	Guise St. - Bay to Catharine	water	2	TOE	$ 254	254										
W-09B	Guise St. - Bay to Catharine	san/stm	2	TOE	$ -		DELETE									
W-10	Waterfront Plan Study	Plan	2	P&D	$ 150	$ 150										
W-10A	Waterfront Transportation	EA	2	TOE	$ 180	$ 180										
W-10B	Waterfront Land Acquisitin	Acquistion	2	P&D	$ 1,600					1600						
W-10C	Waterfront Gateway Study	Plan	2	P&D	$ -											
W-11	Waterfront/Downtown Brownfields - EA Study	Plan	2	P&D	$ 150		$ 150									
W-12	Stuart Street Walkway	ped/street	2	P&D	$ -											
W-13	Floating Structure Release Study	Plan	1	CSD	$ 240		$ 240									
W-14					$ -											
W-15					$ -											
W-16					$ -											
	Total				$ 24,365	$ 3,537	$ 4,190	$ 1,700	$ 1,468	$ 5,200	$ 5,870	$ 900	$ 1,500	$ -	$ -	$ - -

CITY WIDE IMPLICATIONS

CITY OF HAMILTON

2.5.1 (j) (iv) 1.

COMMUNITY SERVICES
Culture and Recreation

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	William E. Fenwick, Acting General Manager
Date:	December 5, 2002	**Prepared by:**	Dale Wood 546-4610

SUBJECT: Fee Waiver Policy (CS02009b) (City Wide)
Respecting Outstanding Business Item CC (Dec 10 Agenda)

RECOMMENDATION:

That report CS02009b) be received, and referred to Committee of the Whole for budget deliberations.

William E. Fenwick, Acting General Manager
Community Services Department

EXECUTIVE SUMMARY:

This report is a follow-up to the September 10, 2002 Committee of the Whole Meeting when Council received and approved the Culture and Recreation Fee Waiver Policy. Council at this meeting requested that staff track and report back on all requests for fee waivers approved by staff as part of the annual budget. Staff have included a breakdown of all fee waivers for the whole year as well as those received since the approval of the fee waiver policy.

BACKGROUND:

The former municipalities administered hourly request for fees to be waived for parks and recreation facilities in a variety of ways. Staff recognized the need to develop a common process for granting fee waivers and developed a Fee Waiver Policy for Council's approval in September 2002. As part of the discussion around the types and quantities of fee waiver requests, Council requested a report be brought back for the 2003 Budget deliberations, that would outline the extent to which the city is subsidizing third party use of City Facilities.

ANALYSIS OF ALTERNATIVES:

As this report is strictly a factual report to outline the type and quantity of fee waiver requests, there are no options being presented to Council.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Staff in Culture and Recreation have continued to receive regular requests from third party users to have part or all of the rental fees for recreation facilities waived. Since the approval of the City's new Fee Waiver Policy, staff have been able to administer these requests in a more consistent and equitable manner, utilizing the criteria that was approved by Council (see Appendix A – attached).

The attached Appendix B is a list of all fee waivers received to date for 2002, totalling $92,458.26. These subsidized revenues have not been supported by an independent funding source and have been absorbed by each individual facility's operating budget.

Appendix C is the list of fee waiver requests received and approved since the Fee Waiver Policy was initiated in September 2002, totalling $ 9,620. These subsidized revenues are part of the $92,458.26 reported above.

Staff have not tracked the fee waiver requests not approved.

POLICIES AFFECTING PROPOSAL:

Fee Waiver Policy

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Finance
Community Services – Culture and Recreation

CITY STRATEGIC COMMITMENT:

Recovering expenses associated with the daily operative costs of the facilities and managing subsidization in a fair and consistent manner is a fundamental component of the overall strategy to manage and maintain assets while spending wisely and investing strategically in the community.

APPENDIX A

FEE WAIVER POLICY

PURPOSE

The purpose of the City of Hamilton's Fee Waiver Policy is to provide financial assistance, in the form of fee reductions for facility expenses, to community groups and organizations for eligible events and activities that benefit the greater community.

The recommendations contained in this report follow the vision of the Community Services Parks, Culture and Recreation Master Plan received by Council on June 26, 2002.

ELIGIBILITY

Groups

- ☐ Not-for-profit community sport, culture, arts, and recreation associations.
- ☐ Neighbourhood Associations
- ☐ Not-for-profit community and/or neighbourhood groups and organizations.
- ☐ School associated groups. (not recognized under the reciprocal agreement)
- ☐ Community service clubs and organizations.

Activities

- ☐ One time activities & events that do not have associated admission fees.
- ☐ Annual General Meetings (sport, recreation, arts, & culture groups only)
- ☐ Non-partisan community-based gatherings/tributes.

NON-ELIGIBILITY

- ☐ Commercial Groups
- ☐ Sequential (daily, weekly, monthly, etc.,) seminars, courses, clinics, programs etc.,
- ☐ Annual (or sequential) fundraising activities and events. *** **Unless otherwise *established under separate agreement and/or directly benefits the Corporation in an amount equal to or greater than the total cost of the fees waived.***

FEE WAIVER AMOUNTS

Eligible groups and activities may be entitled to a 100% Fee Waiver (or part thereof) based on the merit of the activity, and the extent it serves the greater neighbourhood/community.

PROCEDURE

1) All interested groups must complete a fee waiver request Application Form, outlining the purpose of the activity and related organizational information.

2) The Application Form must be submitted a minimum of 4 weeks prior to the date requested, to the Culture and Recreation Division – Facility Booking Section in order to ensure timely processing.

   Application forms received after this time will be processed accordingly, however Groups must assume responsibility for any consequences associated with delays in the confirmation/administration process.

3) The Facility Booking staff will first confirm that the facility is available on the date(s) and time(s) requested.

4) If the required facility (or suitable alternative) is available, the Application Form will be forwarded to the Director of Culture and Recreation (or designate) for review and processing.

5) Eligible groups will be notified by facility booking staff, within 2 weeks from the time that availability of the requested facility (or suitable alternative) has been confirmed.

6) Facility booking staff will process a facility permit inclusive of any partial fees (if applicable).

7) The group or organization remains responsible for any/all terms & conditions outlined in the use of City facilities, including retrieving their permit in advance and having it present throughout the duration of their use.

8) Facility Booking staff will credit facility accounts with the appropriate balance of revenues owing, from the City's fee waiver account.

EVALUATION & REPORTING

Staff will report to Council on an annual basis, as part of the Operating Budget Process, with a detailed account of the total numbers of fee waiver granted/by group, and related cost.

APPEALS

Any group who has been denied a fee waiver, may appeal the decision of the Director of Culture and Recreation, to the General Manager of Community Services, and subsequently by receiving approval from the Committee of the Whole to appear before the Hearings Sub-Committee to present their rationale for receiving a fee waiver.

Groups wishing to receive approval to appear before the Hearings Sub-Committee must contact the City Clerk to register as a delegation.

Appendix B

Fee Waivers - 2001

Facility	Group/Individual Name	Area Used	Total Fee Waived
Ancaster Aquatic Centre	None		0.00
Ancaster Old Town Hall	Anc. Commun. Services		50.00
Ancaster Old Town Hall	Anc. Historical Soc.		150.00
Ancaster Old Town Hall	Anc. Horticultural Soc.		250.00
Ancaster Old Town Hall	Anc. Tennis Club		75.00
Ancaster Old Town Hall	Ancaster Lions Club		450.00
Ancaster Old Town Hall	Art Bowes - Comm. Mtg.		75.00
Ancaster Old Town Hall	Conserver Society		25.00
Ancaster Old Town Hall	Ham. Street Railway		75.00
Ancaster Old Town Hall	J. Shea - Commun. Mtg.		62.50
Ancaster Old Town Hall	Over 60 Club		615.00
Ancaster Old Town Hall	Over 60 Club	room and storage for euchre	3,045.00
Ancaster Old Town Hall	Police Services		100.00
Ancaster Old Town Hall	Roads & Traffic	public meeting	75.00
Ancaster Old Town Hall	Theatre Ancaster		100.00
Ancaster Old Town Hall	Ancaster Youth Activity Council		100.00
Ancaster Rotary Centre	Valentines Dance	Gymnasium, kitchen, cloak room, lobb	1,700.00
Ancaster Rotary Centre	Autumn Stroll	Atrium, Rotary Room and gymnasium (	2,430.00
Ancaster Rotary Centre	Spirit of Ancaster	Gymnasium, kitchen, cloak room, lobb	2,500.00
Ancaster Rotary Centre	Rotary AM Weekly Meetings	Rotary Room	7,980.00
Ancaster Rotary Centre	Rotary PM Weekly Meetings	Rotary Room	9,660.00
Ancaster Rotary Centre	Canadian Blood Services	Rooms A & B	3,296.00
Ancaster Rotary Centre	Rotary Club of Ancaster	Gym, stage, coat check,	2,429.27
Bennetto	Festival of Hearts	pool, rooms, gym & auditorium	375.00
Beverly Community Centre	Beverly Minor Hockey Assoc	Meeting Room - 12	120.00
Brewster Pool	None		0.00
Central Memorial	None		0.00
Dalewood	None		0.00
Dundas Community Centre	Air Cadets	Gym/Office&Storage Space/Comm Ro	5,800.00
Dundas Community Centre	Dundas Lions Club	Community Room	3,715.00
Dundas Community Centre	Sea Cadets	Gym/Office&Storage Space/Comm Ro	5,800.00
Dundurn Coach House	IT- Managers Retreat		80.00
Dundurn Coach House	Ontario Health & Safety Standards		80.00
Dundurn Coach House	Social and Public Health		120.00
Fieldcote	Ancaster Community Committee		900.00
Fieldcote	Ancaster Heritage Days Comm		900.00
Fieldcote	Ancaster Historical Society		900.00
Fieldcote	Ancaster Horticultural Society		900.00
Fieldcote	Arts Advisory Commission		75.00

Fee Waivers - 2001			
Facility	**Group/Individual Name**	**Area Used**	**Total Fee Waived**
Fieldcote	Citizen of the Year Committee		150.00
Fieldcote	City of Hamilton Planning Dept		75.00
Fieldcote	Garden Club of Ancaster		440.00
Fieldcote	Hamilton Council on Smoking		75.00
Fieldcote	Lady Hamilton Tour		50.00
Fieldcote	Trillium Award Committee		100.00
Fieldcote	Village Core Advisory Committee		900.00
Hill Park	None		0.00
Huntington Park	Barrisfield Baseball Assoc	Meeting Rooms - 3 times	75.00
Huntington Park	H.B.A.	Meeting Rooms - once	25.00
Huntington Park	H.W.A.C	Gym - once	60.00
Huntington Park	H.W.A.C	Meeting Rooms - once	25.00
Huntington Park	Hamilton Old-timers Basketball	Meeting Rooms - once	25.00
Huntington Park	Lawfield Hockey Assoc	Meeting Rooms - twice	50.00
Huntington Park	Lisgar Bocce Assoc	Meeting Rooms - once	25.00
Huntington Park	Mount Hamilton Soccer Assoc	Gym - once	105.00
Huntington Park	Mount Hamilton Soccer Assoc	Meeting Rooms - once	90.00
Huntington Park	Quindale Soccer	Meeting Rooms - 3 times	75.00
Huntington Park	Templemead Bocce Assoc	Meeting Rooms - once	25.00
Huntington Park	Templemead Comm Council	Meeting Rooms - 3 times	75.00
Huntington Park	Templemead Sports Assoc	Meetings Rooms - 4 times	100.00
Huntington Park	Templemead Sports Assoc	Gym - once	105.00
Huntington Park	Trentholme Bocce	Meeting Rooms - once	25.00
Jimmy Thompson	None		0.00
Norman Pinky Lewis	None		0.00
North Wentworth Communtiy Centr	Flamborough Minor Hockey	Hall	80.00
Park - Ancaster	Heritage Day	Park	15.00
Park - Battlefield	Battle Reenactment	Park	33.00
Park - Bayfront	Aquafest	Park	225.00
Park - Dundas Driving Park	Victoria Day	Park	54.00
Park - Dundurn	Dundurn Castle Event	Park	75.00
Park - Winona	Winona Peach Festival	Park	297.00
Riverdale	Baby's Best Start - SPH		364.00
Riverdale	Toys that Teach - SPH		364.00
Ryerson	None		0.00
Sackville Hill Sr's Centre	Canadian Blood Services	Gym	6,750.00
Sackville Hill Sr's Centre	Cancer Assist Program	Meeting Rooms	800.00
Sackville Hill Sr's Centre	Council Against Abuse	Meeting Room	1,440.00
Sackville Hill Sr's Centre	Dell Wellness	Meeting Rooms	1,050.00
Sackville Hill Sr's Centre	Hamilton Sr. Games	Meeting Rooms	1,260.00
Sackville Hill Sr's Centre	Health and Safety Meetings	Meeting Rooms	1,440.00
Sackville Hill Sr's Centre	Jr Cancer Assist Program	Meeting Rooms	800.00

Fee Waivers - 2001

Facility	Group/Individual Name	Area Used	Total Fee Waived
Sackville Hill Sr's Centre	Ministry of Transportation	Meeting Rooms	6,720.00
Sackville Hill Sr's Centre	Neighbour to Neighbour	Meeting Rooms	80.00
Sackville Hill Sr's Centre	Participation House	Meeting Room	960.00
Sackville Hill Sr's Centre	Public Health - flu clinic	Meeting Room Cafe	750.00
Sackville Hill Sr's Centre	Senior Police College	Meeting Rooms	840.00
Sackville Hill Sr's Centre	Seniors Carousel	Meeting Rooms	1,260.00
Sir Allan MacNab	Cardinal Baseball	Gyms	1,769.49
Sir Allan MacNab	K. Popaline	Community Room	100.00
Sir Allan MacNab	MacNab Bocce Club	Washrooms/Community Room	350.00
Sir Allan MacNab	Music Makers	Craft/Community Rooms	1,567.00
Sir Allan MacNab	Path Finders	Craft/Community Rooms	182.00
Sir Allan MacNab	Special Olympics	Gyms	200.00
Sir Allan MacNab	Wildcats (W. Gowan)	Gym	180.00
Sir Wilfrid Laurier	Albright Park Comm. Council	Meeting Room - 5 per year	125.00
Sir Wilfrid Laurier	Baby's Best Start	Program-1 time per week	1,920.00
Sir Wilfrid Laurier	Girl Guides of Canada	Meeting Room - 2 per year	50.00
Sir Wilfrid Laurier	HBA	Meeting Room - 4 per year	100.00
Sir Wilfrid Laurier	Rosedale Comm. Council	Meeting Room - 2 per year	50.00
Sir Wilfrid Laurier	Rosedale Bocce	Meeting Room - 2 per year	50.00
Sir Winston Churchill	None		0.00
Valley Park Recreation Centre	None		0.00
Westmount	Westmount Neighbourhood Watch	Rec Centre Meeting Room	75.00
Westmount	Special Olympics	Pool	2,400.00
	TOTAL FEES WAIVED FOR 2002		**92,458.26**

CITY WIDE
IMPLICATIONS

CITY OF HAMILTON

2.5.1
(j) (iv) 2.

COMMUNITY SERVICES DEPARTMENT
Culture and Recreation Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	William E. Fenwick, Acting General Manager
Date:	November 11, 2002	**Prepared by:**	John Kirkpatrick 540-5348

SUBJECT: Aquafit User Fees (CS02001b) (City Wide)

RECOMMENDATION:

(a) That **Appendix A** respecting the Adult Aquafit User Fees be approved;

(b) That **Appendix B** respecting the Senior Aquafit User be approved.

William Fenwick, Acting General Manager
Community Services Department

EXECUTIVE SUMMARY:

Since amalgamation, rates for public swims, instructional programs and advanced aquatics have been harmonized. Currently aquafit is the only instructional program not harmonized, resulting in a different aquafit fee being charged at some pools. Adoption of the proposed fee schedule will ensure fees are consistent for the same program and promote the benefits of universal access to all city wide pools.

BACKGROUND:

Fees for aquafit classes in four of the six municipalities ranged from $70 to $270 per person, as noted in **Appendix C**. The former City of Hamilton offers aquafit programs as an added value feature of the participation pass, such as, if a senior purchases an annual participation pass for $30, they can attend open swims and aquafit classes. Aquafit classes are instructed by provincially certified staff according to national industry standards.

At the March 5, 2002 Committee of the Whole, staff presented a report related to proposed fees for: senior participation passes, membership fees for Senior Clubs and Centres and aquafit program. The rates were approved with the exception of aquafit fees. Staff was directed to obtain feedback from seniors concerning the proposed fees as outlined in Appendix A. To this end, staff conducted a survey with seniors that attend the aquafit program.

Staff met with program participants of each aquafit class to discuss the survey related to the program and proposed fee schedule. The survey questions consisted of: program location, determining frequency of attending classes per week, identifying if proposed fee would impact their ability to attend, requirement for financial assistance and general comments.

There were 347 surveys returned. This represents approximately 90% of daytime aquafit participants. Of the 347 surveys completed, 174 people indicated that a fee increase would impact their ability to attend aquafit class and 162 replied that it would not affect their ability to attend. It should be noted that 24 people who responded that it would impact their ability to attend, were supporting a decrease to the current fee at the facility they currently attended.

While the survey clearly demonstrated that the majority of people currently paying the lower rate do not want an increase, similarly those paying a higher rate support a reduction.

As staff has indicated, any increase in fees are not generally well received and may result in lower attendance. Notwithstanding this, the Culture and Recreation Division has a Subsidy Program, that provides financial assistance to individuals that can not afford program fees.

Staff also wish to acknowledge that price is only one variable that people consider in purchasing services. Current research indicates that transportation, geographical proximity, time of day, flexibility, participant interest, service quality, and perceived value are primary drives to participating in culture and recreation services.

ANALYSIS OF ALTERNATIVES:

Staff are requesting Council to approve one of the following recommendations:

(a) That Appendix A respecting the Adult Aquafit User Fees be approved;

(b) That Appendix B respecting the Senior Aquafit User be approved.

It is staffs recommendation that Appendix A and B be approved recognizing the financial pressure facing Council. Also the purposed fees represents excellent value for this instructional program and will assist in starting to recover direct costs associated with offering this instructional program.

That in absence of a rate schedule being approved, for either adults or seniors, that the current participation pass for adults and/or seniors be accepted at all aquatic facilities for admission to aquafit classes.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Staff has no way to predict the impact of the proposed fee structure. The harmonization of fees results in both surplus revenue from fee increases, offset by lost revenue from those centres charging a higher rate and the possibility of decrease in attendance.

If Council approves the recommendation to allow use of a senior participation pass for aquafit, there would be a loss of revenue of approximately $29,000.00. Recognizing the sensitivity involved in implementing a new fee structure, remaining at $30.00 for a senior annual pass, will require the general public to continue to subsidize a program that is already significantly subsidized.

POLICIES AFFECTING PROPOSAL:

Community Access to Recreation for Everyone Policy. Approved June 24, 2001

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

N/A

CITY STRATEGIC COMMITMENT:

Participation in Recreation activities meets the City's strategic commitment by improving individuals personal health status. This is further supported by the Benefits of Recreation document produced by Canadian Parks and Recreation Association that states "Recreation and active living prolongs independent living for seniors by compressing the disease and impairment period typically associated with aging and keeping seniors vital and involved in community life".

APPENDIX A

Proposed ADULT Aquafit User Fees

Single Admission Rate	$ 3.00
25 Clip Cards	$ 60.00
Monthly Rate	$ 15.00
Yearly Rate	$ 140.00

APPENDIX B

Proposed SENIOR Aquafit User Fees

Daily Admission	$ 1.00
25 Clip Cards	$ 21.00
Monthly Rate	$ 5.00
Yearly Rate	$ 55.00

APPENDIX C

	Former City of Hamilton			Recommended Rates			
	One Time Class	Clip Card	1 Year Pass	One Time Class	Clip Card	Monthly Pass	1 Year Pass
Adult	2.75	N/a	61.00	3.00	60.00 for 25	15.00	140.00
Senior	1.75	N/a	25.00	1.00	21.00 for 25	5.00	55.00

	Former City of Stoney Creek			Recommended Rates			
	One Time Class	Clip Card	1 Year Pass	One Time Class	Clip Card	Monthly Pass	1 Year Pass
Adult	3.85	33.10 for 10 66.15 for 20	315.00	3.00	60.00 for 25	15.00	140.00
Senior	29.0	24.85 for 10 49.60 for 20	236.25	1.00	21.00 for 25	5.00	55.00

	Former Town of Ancaster			Recommended Rates			
	One Time Class	Clip Card	1 Year Pass	One Time Class	Clip Card	Monthly Pass	1 Year Pass
Adult	4.00	36.00 for 10	N/a	3.00	60.00 for 25	15.00	140.00
Senior	4.00	36.00 for 10	N/a	1.00	21.00 for 25	5.00	55.00

	Former Town of Dundas			Recommended Rates			
	One Time Class	Clip Card	1 Year Pass	One Time Class	Clip Card	Monthly Pass	1 Year Pass
Adult	2.55	40.00 for 20 68.00 for 40 87.00 for 60 100.00 for 80 107.00 for 100		3.00	60.00 for 25	15.00	140.00
Senior	1.80	29.00 for 20 50.00 for 40 65.00 for 60 86.00 for 80 107.00 for 100		1.00	21.00 for 25	5.00	55.00

Township of Glanbrook: n/a

Town of Flamborough: n/a

CITY WIDE
IMPLICATIONS

2.5.1
(j) (iv) 3.

CITY OF HAMILTON

PLANNING AND DEVELOPMENT DEPARTMENT
Long Range Planning and Design Division

COMMUNITY SERVICES DEPARTMENT
Parks Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Lee Ann Coveyduck General Manager William E. Fenwick A/General Manager
Date:	December 20, 2002	**Prepared by:**	Cathy Plosz (905) 643-1262 Ext. 231
File:	Y57.6		Rick Gadawski (905) 546-3919

SUBJECT: Tree Cutting By-Law for Private Property in the City of Hamilton (PD02229) (CS02106) (City Wide)

RECOMMENDATION:

That Report PD02229/CS02106 respecting the "Tree Cutting By-Law for Private Property in the City of Hamilton" be received for information.

Lee Ann Coveyduck
Lee Ann Coveyduck
General Manager
Planning and Development Department

DJ Wood
fn William E. Fenwick
A/General Manager
Community Services Department

EXECUTIVE SUMMARY:

NOTE: This report only addresses tree cutting by-laws on **private property**. The Community Services Department, Forestry Section has drafted a by-law for trees on publicly owned lands (parks, municipal road allowance), and this will be coming forward for Council approval, early in 2003.

Since amalgamation, the City of Hamilton has been responsible for enforcing eight tree cutting by-laws, but no resources have been specifically dedicated to tree cutting by-law enforcement. There is also confusion as to who to contact for information, whether permits are required, who is responsible for processing these permits, and which by-law applies.

Tree cutting by-laws on private property are designed to prevent abusive tree cutting while still enabling a landowner to use their property as they wish. There are many pressures on trees in Hamilton and in the past there have been controversial cutting incidents that illustrate the need for a legislative approach to tree protection.

Before Council considers a harmonized tree cutting by-law, several issues must be addressed. What types of trees does the community want the City to protect and in what locations? What are the resource implications of enforcing a tree cutting by-law?

This report presents four options:

1. Tree cutting regulated through the development approval process.
2. Develop a new by-law with a limited scope, enforcement contracted out.
3. Develop a new by-law with a limited scope, enforcement by a City forester.
4. Develop a new, comprehensive by-law, enforcement by a City forester and with administrative support.

The option chosen depends on the corporate commitment of resources to a tree cutting by-law. Staff has put forward a program enhancement that implements the preferred option which is Option 4. This option develops a new comprehensive by-law under the *Municipal Act* that incorporates the best features of existing by-laws and includes hiring a full time forester and administrative support person to administer and enforce the new by-law. However, due to budget constraints, the program enhancement is unaffordable. If Council wishes to have a tree cutting by-law and have it enforced, the program enhancement would need to be moved by Council from the unaffordable list to the recommended list. If the budget process does not see merit in including the required funds, then staff will bring back a report recommending Option 1 which will pick up a few of the properties through the development approval process.

BACKGROUND:

1.0 Problem Statement

There are currently eight tree cutting by-laws in effect in the City of Hamilton, which regulate tree destruction on both public and private lands. Since amalgamation, there have not been adequate resources dedicated to enforcing these by-laws. There is an immediate need to address this situation.

2.0 Considerations when Creating a New By-law

Providing the required resources and strong Corporate commitment to tree preservation are key to a successful tree by-law. A tree cutting by-law will not have any impact unless sufficient resources are committed to its enforcement and administration. Recent studies by the University of Guelph have shown that political will, adequate enforcement, and public involvement are what makes tree cutting by-laws work effectively.

When used with a public education and awareness program, a properly enforced tree cutting by-law will gradually result in a public that knows the importance of preserving or managing tree resources, and is aware of what they are required to do to comply. This will reduce the present number of violations and complaints and ensure that the City of Hamilton meets public expectations for forest management while retaining community aesthetics and character.

When designing a tree cutting by-law, it is important that it reflect the different attitudes of residents about trees and forests. These attitudes can differ greatly, particularly between rural and urban residents. Many residents of urban areas (particularly in older residential areas) place high value on street and yard trees, because they contribute to the aesthetics and character of their community. In rural areas, some farmers and landowners view trees as a natural resource to be wisely managed to achieve other priorities. Rural landowners may manage their woodlots for maple syrup or nut production, firewood, lumber, or wildlife habitat. There are other urban and rural landowners who do not have the same appreciation for trees. Some people may feel that trees are a messy nuisance or an impediment to being able to use their land as they see fit. It is a challenge to develop a tree cutting by-law that incorporates all of these values.

The former municipal by-laws presently in effect represent the values and administrative objectives of the municipalities that enacted them. For example, the Dundas by-law places a high value on mature "heritage trees" and forests in escarpment natural areas. The Regional by-law focuses on sustainable resource management and protecting larger natural areas like Environmentally Significant Areas (ESAs), wetlands, and Significant Woodlands.

3.0 What are our Options with Respect to Tree Cutting By-laws?

The direction the City takes on a tree cutting by-law is largely influenced by the amount of resources Council wishes to commit to its enforcement. The options range from having a tree cutting by-law with a very narrow scope to developing a comprehensive by-law with full time staff to enforce it. Within these extremes Council can opt for a by-law that varies the required resources by limiting the by-law's scope or by contracting enforcement out.

When considering the four options outlined below, please note that studies at the University of Guelph and discussions with staff at other municipalities with tree by-laws have shown that **by-law enforcement is not effective if done in a piecemeal manner and with inadequate resources.**

a. Option 1: Tree cutting regulated through the development approvals process

Scope
This by-law would apply to all trees within the City on lands that are subject to a *Planning Act* approval procedure. Trees would be regulated through the existing development approval process. No tree destruction would be allowed in association with a *Planning Act* approval application until the landowner obtained approval for a building permit, tree preservation, or landscaping plan from the City. This requirement would be imposed as a condition of consent, subdivision, condominium, or site plan approval. This by-law would not regulate trees on any urban or rural land that did not constitute a development site. The by-laws prepared by the former area municipalities and region would be repealed.

Resources
This option would require no additional funding since it would use existing staff resources and development application processing systems in the Development Planning Section.

Analysis
This by-law would not regulate harvesting in rural woodlots or individual or heritage trees other than those that happen to involve a *Planning Act* approval (e.g. site plan landscaping). Applicants would be required to submit supporting expert information (arborist). This is a problem because Development Planning staff do not have the expertise to advise which trees should be removed or retained on a development site and could not properly review the arborist's work. Although the Forestry Section has the expertise to review applications, they do not presently have the staff resources to do so.

b. Option 2: New by-law with limited scope and enforcement contracted out.

Scope
A new by-law could be prepared under the *Municipal Act* to regulate tree cutting on private property in specific areas only, such as land within the Niagara Escarpment or Environmentally Significant Areas, and designated heritage districts. Placing strict limits on where the by-law applies limits the staff and financial resources associated with administering and enforcing it, while still protecting the trees the City most wants to preserve. This by-law would provide no protection to individual urban trees or smaller rural or urban woodlots. The by-laws of the former area municipalities and region would be repealed.

The by-law would protect the following:

- trees in designated heritage districts or other areas of concern
- trees in larger rural woodlots
- trees in natural heritage features (Niagara Escarpment, ESAs, and wetlands)

Resources
Enforcement could be done on contract with the Conservation Authorities or a forestry consultant for approximately $60,000 to $75,000 a year. This money could be added to Building and Licensing Division's Budget. It is estimated this would involve processing about 75 permits, with a revenue of $10,000 annually.

Enforcement would include:

- receiving and processing permits for cutting
- responding to public inquiries and complaints
- interacting with other City Departments with an interest in tree preservation

Analysis
This option would regulate the areas the City most wishes to protect and could be enforced for an intermediate cost. This option would be confusing for the public. There are four Conservation Authorities in Hamilton, so there would be four different enforcement officers. Also, some Conservation Authorities do not presently have staff with forestry expertise. The other disadvantage is that the by-law would not be large enough in scope to preserve the important community values for tree protection that municipalities identified in their by-laws. This option would also not allow public education and awareness programs, an important factor for a successful by-law.

c. Option 3: New by-law with a limited scope, enforcement by a City forester.

Scope
This by-law would have the same limited scope as described in Option 2 above. The only difference is that a full-time forester would be hired by the City to enforce the by-law, instead of contracting this function out. A forester would, by process cutting permits, answer inquiries and conduct site enforcement visits, but would not have the time to conduct public education and awareness programs. The by-laws prepared by the former area municipalities and region would be repealed.

The by-law would protect the following:

- trees in designated heritage districts or other areas of concern
- trees in larger rural woodlots
- trees in natural heritage features (Niagara Escarpment, ESAs, and wetlands)

Resources
A new staff forester would have to be hired full-time by the Community Services Department (Forestry Section) at an estimated annual cost of $66,822 to $78,822. This cost includes salary, overtime, benefits, computer lease, and annual vehicle operating costs. In addition, there would be a capital cost of $35,000 for a vehicle. This person could expect to process approximately 75 permits for tree removal in areas regulated by the by-law annually. These permits would bring in an estimated $10,000 in fees per year.

Enforcement would involve:

- receiving and processing permits for cutting
- responding to public inquiries and complaints
- interacting with other City Departments with an interest in tree preservation in special districts

Analysis
This option has the same advantages and disadvantages of Option 2 with the exception that a qualified City staff person would serve as a consistent contact point for public inquiries and one-on-one liaison with landowners engaged in cutting. Another advantage is that it ensures a consistent level of service expertise (forester).

d. Option 4: New, comprehensive tree cutting by-law implemented by a City forester with administrative support

Scope
The City could develop a new comprehensive by-law under the *Municipal Act*. The by-law would incorporate and expand portions of existing area municipal and regional by-laws, to ensure protection of all trees these communities valued. A permit process would allow the City to closely monitor the amount and types of tree cutting occurring in Hamilton. Enforcement would require more staff time because more trees and cutting activities would be regulated.

The by-law would be designed to protect a wide range of trees, such as:

- groups of trees (e.g. 5 or more trees)
- trees in designated heritage districts
- trees in areas of community importance identified by area municipalities
- rural forests
- urban woodlots
- natural heritage features like Environmentally Significant Areas and wetlands

The forester and administrative assistant would be responsible for:

- receiving and processing permits for cutting
- conducting public awareness programs for the by-law
- working with landowners to ensure they are managing their forest or other regulated trees properly
- responding to public inquiries and complaints
- enforcing the by-law by issuing fines to offenders
- monitoring the effectiveness of the by-law, and,
- interacting with other Departments with an interest in tree preservation in all areas of the City

Resources
A full-time forester hired by the Community Services Department (Forestry Section) would administer the by-law. In addition, a full-time administrative assistant would be hired to support the forester by processing permits and answering inquiries. The cost for both full-time positions would be approximately $112,822 to $124,822 annually. This cost includes salary, benefits, overtime, computer lease, and annual operating costs for a vehicle. In addition, a capital expenditure of $35,000 for a vehicle would be required.

Approximately 200 permits per year would be processed, providing an estimated revenue of $25,500.

Analysis
This option preserves a broad range of trees we most want to protect in urban and rural areas, while ensuring that the permitting process does not become too onerous (as it would if a permit were required for every tree destroyed). It has the advantage of providing a full-time, qualified staff person as a central point of contact and providing the best possible service. Because this option includes a public education program, it would result in increased public awareness and appreciation of trees and thus fewer tree cutting violations. Important aspects of the area municipal and regional by-laws would be retained and potentially expanded to other areas of the City.

The only disadvantage is that this is the most costly option, with an estimated annual cost of $112,822 to $124,822.

Conclusion

Staff recommend that a new, harmonized tree cutting by-law for private property in Hamilton be developed under the *Municipal Act*. Option 4 will provide the strongest and most efficient tree protection service to the public. Experience from other municipalities shows that a comprehensive by-law with a strong commitment of resources to enforcement is the only way to effectively protect trees. The Community Services Department (Forestry Section) should be responsible for enforcing the by-law and a full time forester and administrative assistant should be hired.

Therefore, if the City of Hamilton wishes to proceed with developing and enforcing a new tree cutting by-law as outlined under Option 4, the following actions are recommended:

(a) That Planning and Development Department staff be directed to draft a new tree cutting by-law under the *Municipal Act* to govern tree destruction on private property. When developing the new by-law, Planning and Development Department staff will consult extensively with the public, City of Hamilton staff, and other agencies to assist in determining the scope and contents of the by-law.

(b) That the Community Services Department (Forestry Section) be given the responsibility for administering and enforcing the new tree cutting by-law.

(c) That annual resources ($112,822 to $124,822), necessary to enforce and administer the new tree cutting by-law, and additional Capital cost of $35,000, be considered during the Community Services 2003 Budget deliberations.

(d) That the resources necessary to develop the by-law ($9,700) be considered during the Planning and Development Department's (Long Range Planning and Design Division) 2003 Budget deliberations.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial – The estimated costs and revenue associated with all four options is shown below.

OPTION	ANNUAL OPERATING COST	CAPITAL COST	ANNUAL # OF PERMITS	ANNUAL REVENUE FROM PERMITS
Option 1: Development approval process	$0 (existing staff to administer)	$0	0	$0
Option 2: Limited scope; contracted enforcement	$60,000 to $75,000	$0	75	$10,000
Option 3: Limited scope; enforcement by city	$66,822 to $78,822	$35,000	75	$10,000
Option 4: Comprehensive by-law with city enforcement	$112,822 to $124,822	$35,000	200	$25,500

Other costs for developing the by-law would be approximately $9,700 (for public consultation and outreach).

Staffing – Development of the new by-law would require staff resources from Long Range Planning and Design Division, Forestry Section, Legal Services, Building and Licensing Division, and Development Planning Section.

Legal – As of January 1, 2003, a new *Municipal Act* will be enacted by the Province. The sections of the *Forestry Act*, which regional municipalities and counties used to develop their tree cutting by-laws will be repealed. This change in legislation provides an opportunity for the City of Hamilton to develop a new tree cutting by-law using the improved powers and flexibility of the new *Municipal Act*.

POLICIES AFFECTING PROPOSAL:

If a new tree cutting by-law is approved for the City of Hamilton, the existing by-laws that regulate tree cutting on private property (Ancaster, Dundas, Glanbrook, Hamilton, Stoney Creek, and Region of Hamilton-Wentworth) will be repealed. If Option 1 were selected, current Official Plan policy objectives for Environmentally Significant Area protection would have to be reduced, because trees in these areas could not be protected from destruction.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

In preparing this report, Long Range Planning and Design Division staff consulted with Community Services Department (Forestry Section), Building and Licensing Division, and Development Planning Section. Staff also received input from the Hamilton, Halton, and Grand River Conservation Authorities.

CITY STRATEGIC COMMITMENT:

Protecting trees through a new tree cutting by-law provides quality of life benefits such as improved water quality and quantity, improved air quality, and aesthetics. Protecting woodlands contributes to the development of a system of interconnected natural areas that provides a healthy environment and recreational opportunities. These characteristics contribute to economic development by providing an environment that attracts businesses to the community. If properly designed, tree cutting by-laws promote sustainable use of forest resources while preserving healthy forests for the greater public benefit.

Developing and enforcing a tree cutting by-law provides a means for the City of Hamilton to achieve it's goal for a "healthy, safe, and green city" by protecting existing urban trees and woodlands in Hamilton. It also contributes towards the Vision 2020 goal for a system of interconnected protected natural areas.

:CP
:RG

2.6.1

MOTION TO BE CONSIDERED DURING BUDGET DELIBERATIONS

Council Date: January 9, 2002

MOVED BY COUNCILLOR POWERS..

SECONDED BY COUNCILLOR...

That notwithstanding direction already suggested by City Council and Senior Staff in earlier 2003 budget committee meetings, the following be investigated by finance staff in preparation for future budget discussions:

(a) city staffing levels be maximized at 95% of the December 31, 2000 FTE's.

(b) user fees be increased a minimum of 5% unless evaluation would recommend otherwise.

CA5ONHAM
A34
2003

City Clerk's Division
Memorandum

MUNICIPAL DOCUMENT

FOR JAN. 21/03

TO: Mayor and Members
Committee of the Whole

FROM: Mary Gallagher, Co-ordinator
Council and Committee of the Whole

PHONE: (905) 546-4304

DATE: January 14, 2003

SUBJECT: Additional items for the Committee of the Whole Agenda
January 21, 2003

Members of Council, attached for your consideration are the following items:

3.1 Delegation request from Mr. George Varlis respecting 307 & 309 Dundurn Street South, Hamilton - Front of House Parking

9.1 Additional Staff report from the Executive Director of Economic Development respecting Brownfield Pilot Project No. 1 - Beach Boulevard - The Beach Community Real Estate and Development Inc.

14.4 Proposed Advance Budget Reductions - Solid Waste Management

14.5 Feasibility of Establishing a Three Container Limit for Residential Waste Collection

Please bring these reports with you to the meeting.

Thank you.

Mary G.
Attachments

3.1

November 15, 2002

Mary Gallagher, Committee Co-ordinator
Committee of the Whole

VIA FACSIMILE: 905-546-2095

Re: 307 & 309 Dundurn Street South, Hamilton
Front of House Parking

Please accept this correspondence as a request to speak to members of council regarding front house parking for 307 and 309 Dundurn Street South, Hamilton.

Originating in 1989, we were advised to prepare the front of the house for parking. We complied by installing interlock brick at a fair price to us. The City of Hamilton approved the installation and cut the sidewalk for a driveway ramp. In addition, although not requested by us, the City moved the crosswalk. Shortly thereafter, the parking privilege was revoked and we were advised a study regarding the safety of the children was to be completed.

We respectfully request council revisit this issue based on the following:

1. The principal of Earl Kitchener Elementary School, Mrs. Diane Rawsthorne, has agreed to provide her support in approving our request.
2. There is a lack of parking in the neighborhood. There are two newer vehicles in the household and we have concerns about the safety or damage as a result.
3. We propose and agree to not use the driveway when the crossing guard is on duty.
4. We have occupied the house since 1974 and have faithfully maintained the crosswalk driveway since its installation, including shoveling the area clear of snow each winter.
5. Other homes in similar circumstances have been approved.

In closing, we would request this issue be presented to council for approval and that we be notified of any meeting dates and times regarding this matter. In addition, we would request the outcome or status of the previously mentioned study proposed in 1989.

Regards,

George Varlis

307 Dundurn Street South
Hamilton, Ontario
L8P 4L4

(Telephone) 905-523-6274
(Alternate) 905-540-3535

AFFECTS WARD 5

CITY OF HAMILTON

9.1

Economic Development Department
and
Community Services Department

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Neil Everson, Executive Director Economic Development William E. Fenwick, Acting General Manager Community Services
Date:	January 14, 2003	**Prepared by:**	Luciano Piccioni (X 4381)

SUBJECT: **Brownfield Pilot Project No. 1 – Beach Boulevard – Beach Community Real Estate and Development Inc. (ECO03001)/(CS03005)**

RECOMMENDATION:

a) That the Offer to Purchase and the Brownfield Pilot Redevelopment Agreement attached thereto as Schedule D for the sale of City owned property municipally known as 422, 426, 428 and 456 Beach Boulevard, Hamilton, executed by Beach Community Real Estate and Development Inc. on January 3, 2003 and scheduled to close on the later of i) 30 days after all the terms and conditions as set out in the Brownfield Pilot Redevelopment Agreement have been completed, or ii) December 31, 2003, be approved at a purchase price of $200,000, and that this amount be credited to Account No 47702-3560150100 (Revenue/Sales);

b) That the General Manager of Finance hold the deposit cheque in the amount of $20,000 until closing of this transaction;

c) That the Mayor and the City Clerk be authorized and directed to execute all ancillary documents in a form satisfactory to Corporate Counsel;

d) That the City Clerk be authorized and directed to execute and issue a Certificate of Compliance in the form prescribed pursuant to Section 193 of the Municipal Act incorporating the following:

   (i) The property was declared surplus by resolution of City Council on June 27, 2000, (Item 5 of Report 13.0 of the Finance and Administration Committee);

   (ii) An appraisal of the properties intended to be sold was completed on December 21, 2000;

e) That the City enter into a Brownfield Pilot Redevelopment Agreement (Attachment C) with Beach Community Real Estate and Development Inc. regarding the terms and conditions governing the payment of brownfield pilot project funding for, and redevelopment of, properties municipally known as 422, 426, 428, 440, and 456 Beach Boulevard.

Neil Everson, Executive Director
Economic Development

William E. Fenwick, Acting General Manager
Community Services

EXECUTIVE SUMMARY:

In April of 2001, Council established a capital budget account of $500,000 to fund the City's participation in brownfield pilot projects. In early 2001, the City was approached by Beach Community Real Estate and Development Inc. (BCRED) ("The Developer") who expressed an interest in purchasing two city-owned properties on the southwest side of Beach Boulevard that had been declared surplus. The Developer wished to combine these properties with three other properties to form a parcel large enough to permit a multi-unit residential townhouse and condominium development. BCRED has optioned the three privately owned properties at 440, 464 and 466 Beach Boulevard and has proposed a 90 unit multi-unit residential townhouse and condominium complex on the total 3.77 acres, including the city-owned lands (1.74 acres of the total 3.77 acres).

Environmental testing of the site has shown that the site is contaminated with petroleum hydrocarbons from a previous gasoline and service station. In order to economically remediate the site, in-situ bio-remediation is recommended. The lowest cost-capped estimate received to bio-remediate the site in order to permit the proposed residential use is $450,000 (plus G.S.T). Bio-remediation of the site is expected to take 6-9 months.

The City owns approximately 46% of the proposed development site and approximately 40% of the contamination is on the two City owned properties. This report recommends that the City contribute pilot project funding of up to 43.75% of the cost of cleaning up the site, to a maximum contribution of $175,000 (plus G.S.T). In return, the Developer will purchase the City owned properties for a total of $200,000 (market value), pay the balance of the cleanup costs to a maximum of $275,000 (plus G.S.T), oversee the site remediation, and then construct 90 residential units in four phases. The first phase includes 18 street townhouses on Beach Boulevard. The next three phases include 3-4 storey condominium buildings containing 24 units each.

This 90 unit residential development will increase the assessed value of the site from approximately $680,000 to over $10,000,000. Annual total property taxes collected on the site will increase from $16,000 to approximately $190,000. The City's initial pilot project funding investment and any grant monies paid out under the ERASE Redevelopment Grant Program are estimated to be recouped by the City through increased property taxes within 4 years of project completion, after which the City will collect an retain the full amount of the municipal property tax increase.

A Brownfield Pilot Project Redevelopment Agreement (Attachment C) will govern the cost sharing of the remediation and development of the site. This Agreement has been designed with numerous safeguards to protect the City's financial, legal, planning and other interests. Therefore, staff respectfully recommend approval of the recommendation to sell the City owned properties to BCRED for $200,000 and fund the pilot project to a maximum of $175,000 (plus G.S.T), as per the attached Brownfield Pilot Redevelopment Agreement.

BACKGROUND:

History

In April of 2001, when Council adopted the ERASE Community Improvement Plan, Council also directed staff to investigate brownfield pilot remediation projects on city-owned lands. Council established a capital budget account of $500,000 to fund the City's participation in such pilot projects (Project Number 3620155102).

Staff subsequently examined the suitability of City-owned brownfield properties that had or could be declared surplus. Only a few City-owned brownfield properties that require environmental remediation are of the necessary size and location to be considered viable brownfield pilot projects. Two city-owned properties on Beach Boulevard form part of the first brownfield pilot project to be recommended to Council in this report. These city-owned properties are located on the southwest side of Beach Boulevard. One is located at 422, 426, and 428, Beach Boulevard (0.78 acres) and the other is located at 456 Beach Boulevard (0.96 acres) (see Attachment A for Site Map). Both properties have been declared surplus and both properties are vacant. The other properties that form part of the pilot project proposal are 440 Beach Boulevard which is also vacant (1.72 acres located between the two city-owned properties) and two single detached residential dwellings at 464 (0.18 acres) and 466 Beach Boulevard (0.13) acres, which will be demolished, and the properties incorporated into the development proposal.

Mr. John Paisley, President of Beach Community Real Estate and Development Inc. (BCRED) approached the City in February of 2001 expressing an interest in purchasing the two city-owned properties in order to combine them with the other properties to form a parcel large enough to permit a multi-unit residential townhouse and condominium development. BCRED has optioned the privately owned properties at 440, 464 and 466 Beach Boulevard and has proposed a 90 unit multi-unit residential townhouse and condominium complex on the total 3.77 acres, including the city-owned lands (see Attachment B for Draft Concept Plan).

Site Contamination and Remediation Costs

The property at 440 Beach Boulevard had been used for some 60 years as a gasoline service station. The property is an open lot in a residential area on Beach Boulevard. The property was also subject to occasional illegal dumping of used tires and debris. Concrete barriers have now been installed to reduce illegal dumping.

In the Spring of 2001, BCRED hired at their own expense, Shaheen and Peaker Consulting Engineers to conduct a Phase I and Phase II Environmental Site Assessment (ESA) of the property at 440 Beach Boulevard and the adjacent city-owned properties. The Phase II ESA identified the presence of petroleum hydrocarbon impacted soil and groundwater on all three properties, including the city-owned properties. Test results showed that the two residential properties at 464 and 466 Beach Boulevard had not been impacted. The underground storage tanks from the gasoline station had previously been removed from the property at 440 Beach Boulevard, but no remedial work had been carried out. As a result, the Phase II ESA estimated the volume of impacted soil on the site which exceeds Ministry of Environment (MOE) Guidelines at approximately 8,500 m^3 (16,000 tonnes).

The volume of material that would have to be removed and replaced with clean fill, the presence of impacted soils below the prevailing water table (requiring dewatering of the site), and the sandy nature of the soils, combine to make conventional "dig and dump" remediation difficult and very expensive ($1,000,000+). In order to economically remediate the site, in-situ bio-remediation was recommended by Shaheen and Peaker Consulting Engineers. Several remediation contractors provided BCRED with cost estimates for in-situ bio-remediation, with these estimates ranging from $450,000 to $630,000. Further cost comparison by BCRED has resulted in a cost estimate capped at $450,000. It is estimated that bio-remediation of the site to residential standards will take 6-9 months to complete.

Brownfield Pilot Project Proposal and Redevelopment Agreement

An Offer to Purchase the city-owned properties has been submitted by BCRED. As part of the Offer to Purchase, BCRED has also agreed to enter into a Brownfield Pilot Project Redevelopment Agreement ("the Redevelopment Agreement") to remediate and redevelop the contaminated development site (see Attachment C for Offer to Purchase and the Redevelopment Agreement). Officials of BCRED have already signed the attached Offer to Purchase and Redevelopment Agreement and submitted a deposit cheque to the City in the amount of $20,000, indicating their willingness to purchase, remediate and redevelop the City owned properties as part of the overall development.

Under the Redevelopment Agreement, BCRED will purchase the two city-owned properties for a total of $200,000 (market value as if the properties were clean) and combine these properties with the properties at 440, 464 and 466 Beach Boulevard, which properties BCRED has optioned. BCRED will then apply for all the necessary planning approvals. Once these approvals have been received, the entire site will be remediated to Ministry of Environment (MOE) Guidelines for residential use, such that a Record of Site Condition (RSC) can be filed with the MOE. BCRED will then build 90 residential units in four phases. The first phase includes 18 street townhouses on Beach Boulevard. The next three phases include 3-4 storey condominium buildings containing 24 units each (see Attachment B for Draft Concept Plan).

In return, the City will cost-share in the cleanup of the site prior to all the properties merging title. The cleanup cost for the entire development site has been estimated at between $425,000 and $450,000 with a cost-cap provided by the environmental contractor at $450,000 (plus G.S.T). The City currently owns 46% of the development site. The physical extent of the contamination is estimated at approximately 40% under the City-owned lands and 60% under 440 Beach Boulevard (Developer's lands).

The Redevelopment Agreement specifies that if the cleanup costs are between $400,000 and $450,000, the City will pay $175,000 (plus G.S.T) (38.89%-43.75%) toward the cleanup. If the cleanup costs are less than $400,000 the City will pay 43.75%. In either case, the City's contribution to the cleanup is capped at $175,000 (plus G.S.T). This cost-sharing agreement provides an incentive to BCRED to control cleanup costs through management of the environmental contractor, thereby reducing overall costs to both the City and BCRED.

Current total assessed value of the properties (City and privately owned) is approximately $680,000, yielding total annual property taxes of approximately $16,000, with the municipal portion being approximately $12,500. Once the 90 unit residential development is fully constructed and occupied, the assessed value is estimated to be approximately $10,390,000, yielding total annual property taxes of approximately $190,000, with the municipal portion being approximately $150,000. Therefore, the increase in the municipal share of property taxes as a result of the development is estimated at approximately $137,500 annually. This means that the City's initial $175,000 investment in the cleanup will be repaid by increased municipal taxes in less than 1.5 years after project completion. In addition, the City will net $25,000 on the sale of the City owned properties.

While the site of the pilot project is currently outside the boundaries of the Environmental Remediation and Site Enhancement (ERASE) community improvement project area, the project area is proposed to be expanded later this year (as per Council's direction) to include the entire city. This will likely occur prior to the Developer undertaking cleanup of the site. The Developer would then be eligible to apply for a Redevelopment Grant under the ERASE program for the balance of the remediation costs, to a maximum of $275,000. Consequently, the Redevelopment Agreement allows the Developer to apply for an ERASE Redevelopment Grant for the remediation expenses actually expended by the Developer, to a maximum of $275,000, at the time the ERASE community improvement project area is expanded.

Under the current ERASE Redevelopment Grant Program, this grant would equal 80% of the estimated $137,500 increase in municipal taxes, or approximately $110,000, and would be paid out in the form of an annual grant after the increased taxes have been paid in full each year. Based on this estimate, the Developer's eligible remediation expenses (to a maximum of $275,000) would be repaid to the Developer within 2.5 years of project completion. Therefore, the City's total investment in the cleanup of its lands (initial pilot funding up to $175,000 and an ERASE Redevelopment Grant up to $275,000) will be repaid from increased taxes generated by the development within approximately 4 years of project completion, at which time the City will collect and retain the full amount of the tax increase ($137,500) every year.

Numerous safeguards have been built into the detailed Redevelopment Agreement in order to protect the City's financial, legal, planning and other interests. These include requiring the Developer (BCRED) to:

a) apply for (solely at their own cost) and receive all planning approvals prior to commencing any cleanup of the site;

b) expend all of their $275,000 toward the cleanup prior to the City advancing its $175,000 in pilot project funding;

c) submit a Record of Site Condition (RSC) to the Ministry of Environment as a condition of sale of the City owned properties, and as a condition of zoning approval;

d) prior to execution of the Redevelopment Agreement, submit to the satisfaction of the City, documentation in support of the financial viability of the project, including a sources and uses of funds statement, development pro forma, and letters of interest from lenders;

e) indemnify and hold harmless the City, its officials and officers from any losses to the Developer arising out of the contamination on, or under the City owned lands, and/or off-site contamination to adjoining lands; and,

f) commence construction of the 18 townhouses within 1 year of closing of the sale on the City owned lands, and commence construction of each subsequent phase (condominium building) within 6 months of completing the previous phase.

The company performing the environmental remediation of the subject lands is subject to approval by the City prior to commencement of the remediation. In the event the Developer does not fulfil one or more of the conditions of the Redevelopment Agreement, the City may delay or cancel the brownfield pilot project funding, and where specified in the Redevelopment Agreement, require repayment of the pilot project funding.

Conclusion

By contributing funding to this pilot project, the City will be promoting and showcasing brownfield redevelopment and the use of in-situ bio-remediation. The City will also divest itself of the potential liability associated with owning two contaminated properties. Furthermore, the City will be assisting in the cleanup of a contaminated former gasoline station site and the construction of 90 new residential units. These new residential units will create a significant stream of property tax revenues to the City that would have otherwise not been realized. The Redevelopment Agreement governing the remediation cost sharing and development of the site has been designed with numerous safeguards to protect the City's financial, legal, planning and other interests. Therefore, staff respectfully recommend approval of the recommendation to sell the City owned properties to BCRED and fund the pilot project, as per the attached Brownfield Pilot Redevelopment Agreement.

ANALYSIS OF ALTERNATIVES:

Alternative 1 – Status Quo

Without the City's pilot project funding, the proposed 90 unit residential development on Beach Boulevard will not take place. The site will continue to sit vacant and contaminated, and the pre-project assessment and taxes would continue to prevail on the property.

Alternative 2 – Remediate and Sell Only the City-Owned Properties

The City could choose to remediate and sell the two City owned properties for single detached residential development. However, this option is not feasible for several reasons. First, the City could only sever the properties into a maximum of 4 residential lots. Based on a price range of $28,000-$35,000 for similarly sized lots on the southwest side of Beach Boulevard, and a conservative pro-rated cleanup cost of $175,000, the City would actually lose money by remediating and selling these properties on its own. Property taxes on the four residential units would amount to no more than approximately $10,000 annually versus $190,000 for the 90-unit development. Finally, remediation of only the City-owned properties is not feasible unless the property between them (440 Beach Boulevard) is remediated at the same time because the contamination from 440 Beach Boulevard would recontaminate the City owned properties in short order through groundwater flows.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial Implications

The City's pilot funding contribution to the project will be a maximum of $175,000 (plus G.S.T), leaving at least $325,000 in the brownfield pilot project capital budget account. Sale of the City owned properties would realize $200,000 for a net of at least $25,000.

The increase in total property taxes (city and education) that will be collected as a result of the development is estimated at approximately $174,000. The City's share of this increase estimated at approximately $137,500 annually.

The Developer will be eligible to apply for up to $275,000 in ERASE Redevelopment Grant funding, once the ERASE program is expanded to include the subject properties. The ERASE Redevelopment Grant is estimated at approximately $110,000 per year and will be paid out in annual instalments from the increased property taxes collected by the City until the balance of the cleanup costs have been repaid, to a maximum of $275,000.

The City's total investment in the cleanup of its contaminated lands (initial pilot funding and ERASE Redevelopment Grant) will be repaid from increased taxes generated by the proposed development within approximately 4 years of project completion, at which time the City will collect and retain the full amount of the tax increase ($137,500) every year.

Staffing Implications

None.

Legal Implications

The City's financial contribution to the pilot project involves the City remediating and selling its own properties, and therefore does not constitute "bonusing" under the Municipal Act. The Redevelopment Agreement (Attachment C) specifies the obligations of the City and the Developer.

POLICIES AFFECTING PROPOSAL:

Effective January 1, 1995 the Municipal Act was amended by Bill 163, requiring municipalities to enact a by-law to establish procedures for the sale of real property owned by a municipality.

In accordance with Item 21 of Report 01-029 of the Committee of the Whole approved by City Council on September 18, 2001 approving the Consolidation of Routine Real Estate Matters that authority to approve the disposition of land or any interest in land (except for a leasehold interest) be delegated to the City Manager, General Manager of the relevant department or their designates within the limits set out and subject to the following:

(3) The disposition price shall be at or above fair market value;
(4) Fair market value shall be determined by appraisal (in-house, outside, verbal or written);
(5) Disposition value shall not exceed:
    (i) $60,000 for the General Manager or designate;
    (ii) $150,000 for the City Manager or designate."

As the Offer to Purchase price exceeds the limit as set out above, Council's approval is therefore sought to complete this transaction.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

The Offer to Purchase and Redevelopment Agreement was circulated to the Legal Services Department. This report was also circulated to the Legal Services and Planning and Development Departments. The pertinent departmental comments are provided below.

Legal Services Department

The Redevelopment Agreement (Attachment C) has been prepared in a form satisfactory to Corporate Counsel.

Planning and Development Department

Official Plan

Under the City of Hamilton Official Plan (OP), the subject lands are designated "Commercial" for the lands fronting on Beach Boulevard and "Residential" for the lands to the rear. The Commercial policies (A.2.2.1) of the OP permit residential uses as long as they are designated in the Neighbourhood Plan. Therefore, an Official Plan Amendment may not be required.

Zoning By-law

The subject property is zoned "H" (Commercial) and "C" (Residential – Single family). A zoning by-law amendment to "RT-30" (Street Townhouses) and "DE-2" (Multiple Dwellings) will be required to permit the 18 street townhouses and 3 condominium buildings. Also, the City will place a holding designation (H) on the subject property and one of the conditions of lifting the holding designation will be the submission by the Developer of a signed Record of Site Condition (RSC) to the City and the Ontario Ministry of Environment (MOE), with said RSC to the satisfaction of the City, including an acknowledgement of receipt of the RSC by the MOE. Acording to the Zoning By-law, no basements are allowed for properties along the west (Harbour) side of Beach Boulevard.

Neighbourhood Plan

The Neighbourhood Plan designations for these lands are Community Commercial, Low Density Apartments and Attached Housing. The 18 proposed townhouse units conforms with the Attached Housing Density provision of the Neighbourhood Plan (35-45 units per net hectare) and the 72 proposed Low-Rise Condominium units conforms with the Low Density Apartments provision of the Neighbourhood Plan (35-75 units per gross hectare). Based on the foregoing, staff can support the proposed number of units. Any required changes to the Neighbourhood Plan would be done through a recommendation as part of the Zoning By-law Amendment application.

Site Plan

The proposed development will require site plan approval.

General

The developer and his planning consultant have consulted with Planning and Development Department staff and have submitted a Draft Concept Plan (Attachment B), revised as per preliminary comments received from Planning and Development Department staff. The Developer has also indicated they will hold an informal public information session in the Hamilton Beach Neighbourhood to obtain feedback and input prior to submitting the necessary planning applications to the City.

CITY STRATEGIC COMMITMENT:

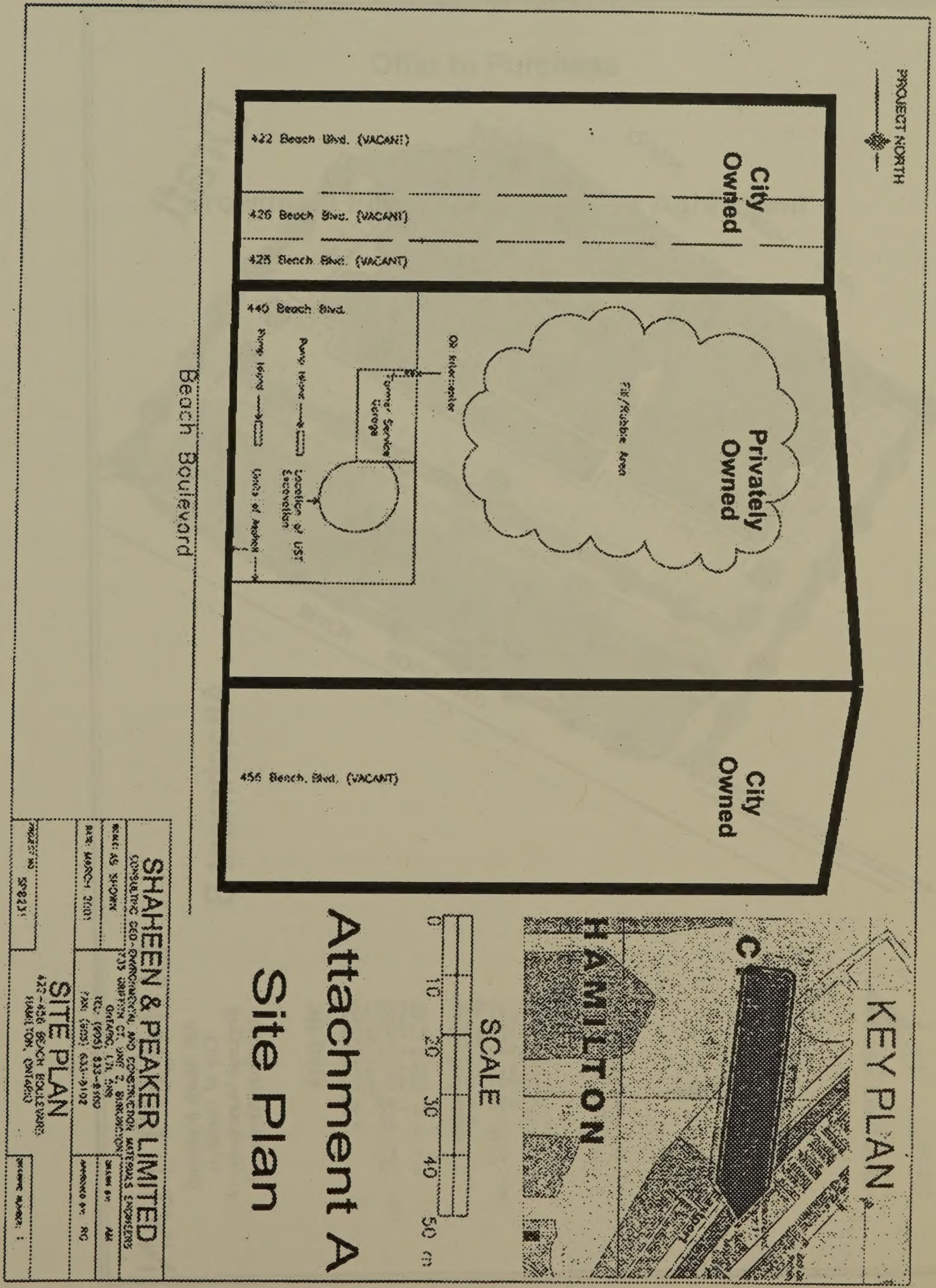
This brownfield pilot project and the required City funding support the key goals of Vision 2020 by promoting the redevelopment of brownfields in Hamilton via the provision of financial incentives. Brownfield redevelopment makes efficient and economical use of existing infrastructure and services, and could potentially help to curb urban sprawl.

In this particular case, redevelopment of this brownfield site will result in the addition of 90 new residential units in the Hamilton Beach Neighbourhood. It will also promote environmental restoration of the site, thereby removing a threat to the environment and the health of residents in this neighbourhood.

This particular development will increase the assessed value of the site from approximately $680,000 to over $10,000,000. Property taxes on the site will increase from $16,000 to approximately $190,000. Once the City's Pilot and ERASE Redevelopment Grant funding is fully paid out approximately 4 years after project completion, the City will collect and retain an extra $137,500 in property tax revenues every year, providing an increase to the City's tax base.

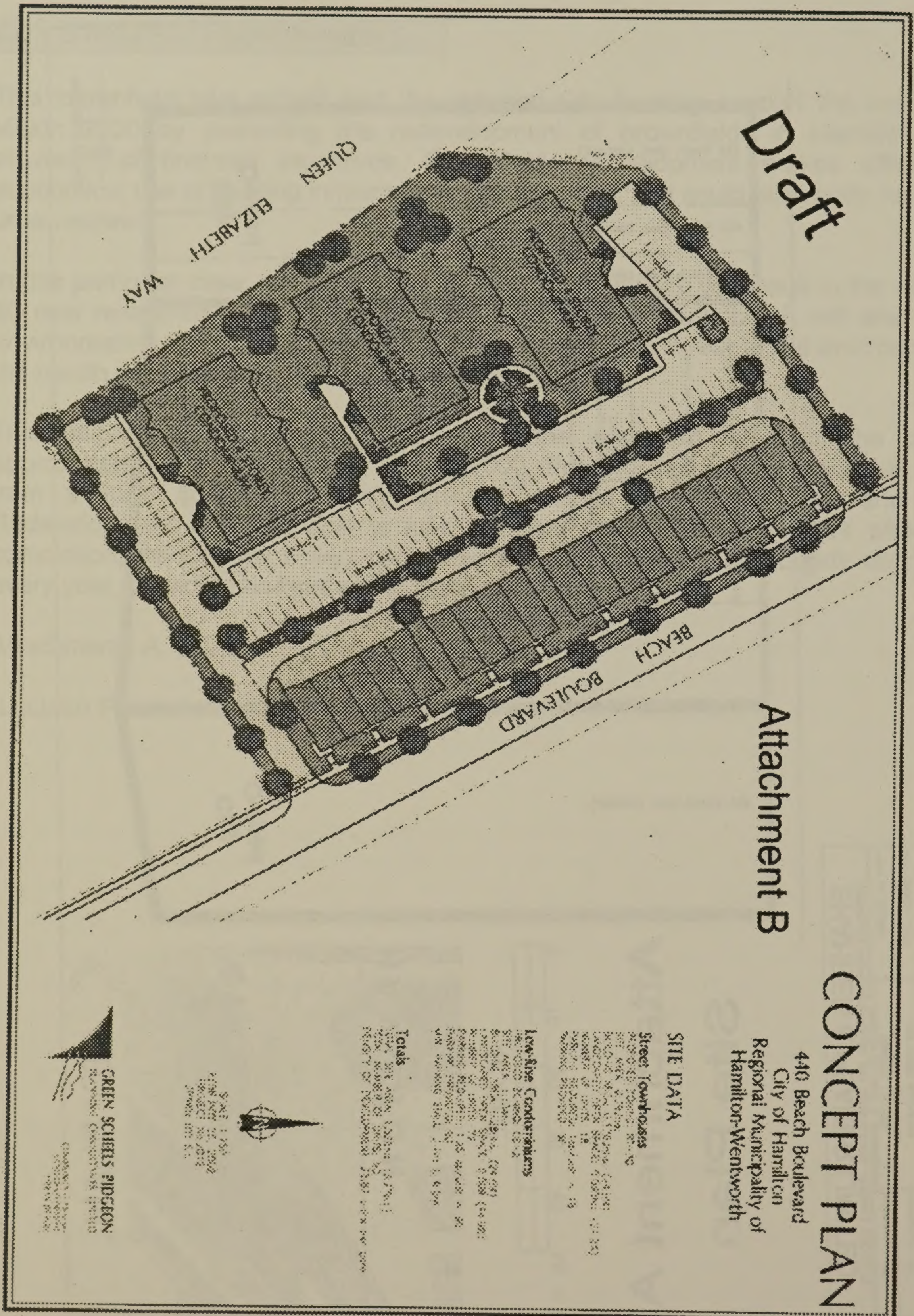
Attachments A, B & C.

(Luciano Piccioni, ext. 4381)


PROJECT NORTH
City Owned
422 Beach Blvd. (VACANT)
426 Beach Blvd. (VACANT)
428 Beach Blvd. (VACANT)
440 Beach Blvd.
Privately Owned
Fill/Rubble Area
Oil Interceptor
Former Service Garage
Pump Island
Pump Island
Location of UST Excavation
Limits of Asphalt
City Owned
456 Beach Blvd. (VACANT)
Beach Boulevard
KEY PLAN
HAMILTON
SCALE
0
10
20
30
40
50 m
Attachment A
Site Plan
SHAHEEN & PEAKER LIMITED
CONSULTING GEO-ENVIRONMENTAL AND CONSTRUCTION MATERIALS ENGINEERS
TEL: (905) 633-8100
FAX: (905) 633-8102
SCALE: AS SHOWN
DATE: MARCH 2001
PROJECT NO. SP8231
DRAWN BY: AM
APPROVED BY: RG
SITE PLAN
422-456 BEACH BOULEVARD
HAMILTON, ONTARIO
DRAWING NUMBER: 1

Attachment B

Draft


QUEEN ELIZABETH WAY
BEACH BOULEVARD
PROPOSED 4 STOREY CONDOMINIUM
CONCEPT PLAN
440 Beach Boulevard
City of Hamilton
Regional Municipality of Hamilton-Wentworth
SITE DATA
Street Townhouses
Low-Rise Condominiums
Totals
GREEN SCHEELS PIDGEON

Attachment C

Offer to Purchase

And

Brownfield Pilot Redevelopment Agreement

OFFER TO PURCHASE

I/We **The Beach Community Real Estate and Development Inc.**
1391 Lakeshore Road
Burlington, Ontario
L7S 1B1
C/O Mr. John Paisley

of the City of Burlington,

in the Province of Ontario,

hereinafter called the Purchaser,

hereby agree to and with the **CITY OF HAMILTON**,

hereinafter called the Vendor,

to purchase all and singular that certain parcel or tract of land and premises situated in the City of Hamilton, and being composed of **Part of Burlington Beach, designated as Parts 6 and 7, Plan RC-H-480 Surveys, municipally known as 422, 426, 428 and 456 Beach Boulevard, Hamilton, being two separate vacant parcels containing 3147 sq. meters, with a frontage on the south west side of Beach Boulevard of 31.0 meters, more or less (422, 426 and 428 Beach Blvd.) and 3753 sq. meters, with a lot frontage on the south west side of Beach Boulevard of 34.98 meters, more or less (456 Beach Blvd.),**

hereinafter called the said lands,

at the price of **TWO HUNDRED THOUSAND DOLLARS ($200,000)** of lawful money of Canada, payable as follows:-

(a) A deposit of 10 % of the purchase price **TWENTY THOUSAND DOLLARS ($ 20,000)** by certified cheque payable to the Vendor.

(b) The balance of the purchase price namely ONE **HUNDRED AND EIGHTY THOUSAND DOLLARS ($180,000)** and subject to adjustments, by cash, solicitor's trust cheque or by certified cheque on the closing of this transaction.

Forming part of this Offer to Purchase are Schedule(s) **A, B, C & D** attached hereto.

Provided that this Offer to Purchase is subject to the following conditions:

1. This Offer shall be irrevocable by the Purchaser and may be accepted by the Vendor up to but not after the 31st day of January, 2003, by a letter mailed or delivered, by the City Solicitor, to the Purchaser at the offices of the Purchaser's solicitor at Burns, Vasan, LLP, Commerce Place, Suite 1100, 1 King Street West, Hamilton, ON., L8N 4B7, Attention: R.S. Vasan.

2. In the event that this Offer is not accepted, this Offer and everything herein contained shall be null and void and no longer binding upon any of the parties hereto and the deposit shall be returned by the Vendor without interest and the Vendor shall not be liable for any damages or costs.

3. In the event of and upon the acceptance of this Offer, this Offer by the Vendor and the letter of acceptance by the City Solicitor to the Purchaser, shall be a binding contract of purchase and sale and shall be completed in accordance with the terms hereof.

4. The title is good and free from all encumbrances, except as to any registered restrictions or covenants, provided the same have been complied with.

5. The Purchaser is not to call for the production of any title deeds, abstract or evidence of title except such as are in the possession of the Vendor.

6. The Purchaser is to be allowed forty-five (45) days from the date of acceptance of this Offer to examine the title at its own expense. If within that time any valid objection to title is made in writing to the Vendor, or its Solicitor, which the Vendor shall be unable or unwilling to remove and which the Purchaser will not waive, the contract arising out of the acceptance of this Offer shall, notwithstanding any intermediate acts or negotiations in respect of such objections, be null and void and all monies shall be returned by the Vendor without interest and it shall not be liable for any damages or costs. Save as to any valid objection so made within such time the Purchaser shall be conclusively deemed to have accepted the title of the Vendor to the real property.

7. This agreement is made on all of the express and specific conditions as hereinafter contained, upon which the Vendor relies, and failing the fulfillment of any one or more of them on or before closing this agreement, even though accepted, shall at the sole option of the Vendor become null and void, in which event the Purchaser shall forfeit the deposit monies and all other monies paid hereunder to the Vendor, as liquidated damages, and shall return to the Vendor any monies paid by the Vendor towards the cost of remediation of the subject lands. The Vendor may waive any one or all of the conditions at its option, without prejudice to its right of recission in the event of the non-fulfillment of any other condition or conditions, and any such waiver shall be binding upon the Vendor only if the same is in writing and submitted to the Purchaser in accordance with the notice provisions hereof. The following are also deemed to be covenants and warranties on the part of the Purchaser:

8. The Purchaser, also known as the Transferee, agrees with the Vendor, also known as the Transferor, to the following covenants, warranties, conditions, and restrictions, and agrees that the transfer to it of the said lands shall be subject to the following covenants, warranties, conditions and restrictions, which shall not merge on the closing of this transaction but shall continue on after the day of closing and run with the lands:

8.1 The Transferee will prepare and obtain approval of a site plan pursuant to the *Planning Act* (Ontario) prior to the issuance of a building permit and the Transferee will enter into, at its sole cost and expense, the Transferor's standard form of site plan agreement for the said lands for the development of an appropriate multi-residential use as proposed in the Hamilton Beach Neighbourhood Plan (multi-unit residential townhouse and condominium complex). The site plan agreement, at the discretion of the Transferor, may address all four phases of the development (18 freehold townhouses and three separate condominium buildings). The Transferee will complete all terms, conditions and covenants imposed upon it by the site plan agreement.

8.2 The Transferee will obtain the approval of the Transferor for the development on the said lands, as defined in the *Planning Act* (Ontario), and as set out in section 8.1 above, prior to commencing construction of such development, and will submit to the Transferor for its approval, development plans. These plans shall set out:

8.2.1 The location of all buildings and structures to be erected on the said lands and the location of all facilities and works provided in conjunction therewith.

8.2.2 Planned elevation and cross-section views for each building to be erected displaying:

8.2.2.1 The massing and conceptual design of the proposed building.

8.2.2.2 The relationship of the proposed building to adjacent buildings and exterior areas to which members of the public have access.

8.2.2.3 Intentionally deleted.

8.2.2.4 The colour, texture and type of materials, window detail, construction details and architectural detail.

8.2.2.5 The landscaping and parking facilities.

8.3 The approval of the Transferor for development on the said lands may include the following requirements:

8.3.1 Access facilities on the said lands including ramps, driveways and the servicing of same.

8.3.2 Parking facilities.

8.3.3 Walkways and other means of pedestrian access.

8.3.4 Lighting facilities.

8.3.5 Walks, fences, hedges and landscaping facilities, storage facilities for garbage and waste materials.

8.3.6 Easements to the Transferor for drainage or sanitary facilities.

8.3.7 Grading or alterations in elevation or contour of the said lands and provision for disposal of storm, surface and waste water from the said lands from any buildings or structures thereon.

8.4 The Transferor's approval to development on the said lands will not be unreasonably withheld.

8.5 Construction of all buildings and landscaping improvements on the said lands by the Transferee will conform to the site plan agreement and development plan agreed upon and approved by the Transferor and the Transferee.

8.6 The Transferee shall obtain all government permits and approvals required for the Transferee's proposed use of the said lands, and satisfy all requirements and restrictions imposed thereby from the Transferor and all other governmental authorities having jurisdiction, at its own cost.

8.7 The Transferee may be required to apply for an official plan amendment, neighbourhood plan amendment, plan of subdivision/condominium, site plan approval, and/or a re-zoning of the property in the event that the Transferee's proposed use of the said lands is not permitted by the zoning by-law. Such application is subject to the approval of the Transferor and the approval of the Ontario Municipal Board, in the event that an appeal is lodged. It is further understood and agreed that the Transferor permits the submission by the Transferee of the necessary applications at the expense of the Transferee, and agrees to execute such documentation necessary in connection with the said applications.

8.8 The parties acknowledge that the Purchaser shall make application to the Vendor in the Vendor's capacity as an approval authority within the meaning of the *Planning Act*, for such approvals, amendments, and permits as may be applicable to develop a multi-unit residential townhouse and condominium complex on the property, which shall be developed in accordance with the Hamilton Beach Neighbourhood Plan, and in a manner satisfactory to the Vendor. The purchaser acknowledges that in the course of such application process, the purchaser may be required by the Vendor to enter into such further and other agreements with the Vendor and to fulfil such conditions of approval as may be required of the purchaser by the Vendor in the Vendor's capacity as approval authority. The Purchaser shall bear all costs, expenses, fees and charges in respect of the development of the property.

8.9 The Transfer herein is subject to an easement over the said lands for the benefit of the Transferor for the purposes of carrying out lot grading on the said lands. In the event the Transferee fails to grade the said lands in accordance with the development agreement, then the Transferor may enter upon the said lands for such purpose and the Transferee agrees to reimburse the Transferor for all costs of the Transferor to carry out the said grading. The said easement will expire two and one-half years after the transfer of the subject lands from the Transferor to the Transferee.

8.10 The Transferee is responsible for the construction of a driveway from the travelled portion of the road allowance to the property line.

8.11 The Transferee acknowledges and agrees that the Transferee is responsible for all costs, charges, fees, levies and rates affecting the said lands and for providing all services required on the said lands. In particular, without limiting the generality of the foregoing, the Transferee is responsible for the following:

8.11.1 Municipal, realty and business taxes.
8.11.2 Municipal local improvement charges for streets, sidewalks and curbs.
8.11.3 Municipal local improvement charges for water supply, storm sewers and sanitary sewers.
8.11.4 Building permit application fee and the applicable development charges.
8.11.5 Storm, sanitary sewers and waterline laterals under the street and under the said lands.

8.11.6 All utility connections to the said lands.
8.11.7 The construction of a driveway to and over the said lands.

8.12 The Transferee agrees not to sever any portion of the said lands until on or after all municipal development approvals are in place, to the satisfaction of the Transferor.

8.13 The Transferee agrees to obtain the approval of the Ministry of the Environment for construction of any new buildings, plant or equipment on the said lands, which approval is required in respect to emission of contaminants in the natural environment, and that the Transferee agrees to notify all purchasers or prospective purchasers of this requirement prior to the sale of the said lands and that the Transferee satisfy the requirements of the Ministry of the Environment in regard to the notification to all purchasers and prospective purchasers.

8.14 The Transferee agrees to commence construction of the development in accordance with subsection 5.9 of Schedule "D" attached hereto.

8.15 This agreement may not be assigned by the Purchaser without the written consent of the Vendor.

8.16 This transaction shall be closed on the later of (i) 30 days after all terms and conditions as set out in the Brownfield Pilot Redevelopment Agreement, attached as Schedule D, have been completed to the satisfaction of the Transferor, or (ii) December 31, 2003. This closing date may be accelerated by mutual agreement of both parties. The Purchaser acknowledges and agrees that the closing of this transaction may take place after all planning approvals are obtained, the remediation of the said lands, and the lands known municipally as 440 Beach Boulevard, is completed, the Ministry of the Environment has acknowledged that it has received and is satisfied with a Record of Site Condition for the said lands as well as for 440 Beach Boulevard, and, that the holding zone (H) is lifted from the said lands and the lands known municipally as 440 Beach Boulevard. If this transaction is not closed by June 30, 2004, this Offer of Purchase becomes null and void. The City may, at its sole discretion, extend this date.

8.17 On the closing of this transaction, the Vendor will convey the said lands to the Purchaser by good and sufficient deed thereof in fee simple, free and clear of all encumbrances and shall deliver vacant possession of the said lands to the Purchaser free and clear of all tenancies.

8.18 The Purchaser shall assume taxes, local improvements, water and sewer rates from the date set out in Paragraph 8.16 hereof. All such charges and rates shall be apportioned and adjusted as of the closing date. As of April 30, 2002, the local improvements for 422 Beach Boulevard were $4,756.73 and for 456 Beach Boulevard the locals were $ 5,353.88.

8.19 The deed or transfer is to be prepared at the expense of the Vendor.

8.20 This agreement and its acceptance is to be read with all changes of gender or number required by the context.

8.21 In the event of failure of the Purchaser to complete this transaction by the date set out in paragraph 8.16, hereof, the deposit shall be forfeited to the Vendor as liquidated damages, in addition to any other right or remedy to which the Vendor may be entitled hereunder or in law.

8.22 It is understood and agreed by the Purchaser that this Offer is conditional until the date of closing, upon the title to the said lands being registered in favour of one legal entity so as to merge on title the properties situate at 422, 426, 428, 440, and 456 Beach Boulevard to form one large parcel better suited for a multi-residential development.

8.23 Any tender of documents required in connection with the herein transaction shall be made as follows by way of the delivery by facsimile transmission upon the solicitor for the non-tendering party by five (5:00) p.m. on the day of closing of the following:

(a) Executed non-registration closing documents;
(b) Paper copy of registration documents electronically messaged by Teraview electronic mail, signed for completeness by the tendering party's solicitor;

(c) If acting for the Purchaser, a copy of the certified cheque, solicitor's trust cheque or in the case of payment by the City, a copy of the City's cheque for the balance due on closing; and

(d) Covering letter detailing enclosures.

8.24 The Purchase Price does not include Goods and Services Tax ("GST") and, if this transaction is subject to GST, then applicable GST shall be in addition to the Purchase Price. All GST shall be collected and remitted as required by law. The Purchaser shall provide the Vendor with the Purchaser's GST registration number, and evidence satisfactory to the Vendor that such registration is in good standing and has not been varied or revoked. The Purchaser does hereby indemnify and save harmless the Vendor from and against any liability for payment of any GST in respect of this transaction of purchase and sale. The Vendor and Purchaser agree with each other that the provisions of this section shall not merge on the Closing Date, but shall continue thereafter in full force and effect. If this transaction is not subject to GST, the Vendor agrees to provide on or before closing to the Purchaser a written certificate certifying that the transaction is not subject to GST.

8.25 The costs of preparing and registering any releases on the completion or satisfaction of any conditions in this agreement shall be the responsibility of the Purchaser.

8.26 Notwithstanding any other statement contained in this Agreement, nothing herein shall be interpreted to constitute pre-approval of the Purchaser's development of the property by the Vendor, and the Vendor makes no representations or warranties herein as to the result of any application the Purchaser may submit to the Vendor in respect of the property.

8.27 It is understood and agreed by the Purchaser and Vendor that the Vendor does not warrant the suitability of the land for any development use or any proposed use.

8.28 It is understood and agreed by the Purchaser that there have been no warranties and/or representations by the Vendor whatsoever with respect to the said lands and that the said lands are being purchased on an "as is", "where is" basis. The Purchaser further acknowledges and agrees that the Vendor is making no representations or warranties whatsoever with respect to the said lands. The Purchaser further acknowledges and agrees that it submits this Offer without any agreement, representation or warranty from the Vendor, and without any obligation on the part of the Vendor to inform or advise the Purchaser regarding the soil or other environmental conditions of the Property, and that the Property is being purchased on an "as is" basis. The Purchaser acknowledges that it has relied entirely upon its own environmental site assessment, inspection and investigation with respect to quality, quantity, value and title of the said lands. For further clarity, the parties agree that this paragraph is not intended to limit the Vendor's obligations to pay towards the cost of remediation, pursuant to the terms and condition as set out in the Brownfield Pilot Project Redevelopment Agreement between the Purchaser and the City of Hamilton annexed hereto as Schedule "D".

8.29 It is understood and agreed by the Purchaser that they have inspected the said lands and conducted an independent investigation of present and past uses of the said lands and that the Purchaser has not relied on any representations by the Vendor concerning any condition of the said lands, environment or otherwise. The Purchaser agrees to assume any and all risks relating to the physical condition of the said lands, and any and all environmental liabilities relating to the said lands, which existed on the said lands on or before closing, including but not limited to any liability for clean up of any hazardous substances on or under the said lands. Neither the Purchaser nor any permitted occupant shall have any recourse to the Vendor as a result of the nature and condition of the said lands, whether or not the Vendor has or had actual or imputed knowledge of such nature and condition as to the date of the Purchasers taking title to the said lands. For further clarity, the parties agree that this paragraph is not intended to limit the Vendor's obligations to pay towards the cost of remediation as set out in Schedule "D" annexed hereto. The Purchaser agrees to assume the said lands subject to any outstanding work orders, legislative, zoning, fire and building code violations.

8.30 It is understood and agreed by the Purchaser that the Purchaser will release, indemnify and hold harmless the Vendor, its officers, officials, employees, contractors and agents from and against all actions any and all actions, causes of action, interests, claims, demands, fines, costs, damages, expenses or loss relating to, or that may arise directly or indirectly as a result of the condition of the said lands, and/or any environmental condition of the said land, which existed on or before closing, which the Vendor may suffer, incur, bear, be subject to or liable for, for both on site contamination of the said lands and off site contamination to adjoining lands. For further clarity, the parties agree that this paragraph is not intended to limit the Vendor's obligations to pay towards the cost of remediation as set out in Schedule "D" annexed hereto.

8.31 It is understood and agreed by the Purchaser that the Brownfield Pilot Project Redevelopment Agreement, annexed hereto as Schedule "D", applies to the lands that are the subject of this Offer to Purchase, (the said lands), as well as the lands to be purchased by the Purchaser that are municipally known as 440 Beach Boulevard

8.32 It is understood and agreed by the Purchaser that the said lands are being sold to them only for the purposes of being cleaned up and developed pursuant to the Brownfield Pilot Project Redevelopment Agreement, annexed hereto as Schedule "D". For this reason, the clean up of the said lands, or site remediation, will be commenced on or after all planning approvals have been obtained, including site plan approval, draft plan approval and rezoning of the said lands and the lands municipally known as 440, 464 and 466 Beach Boulevard.

If there is a conflict between any provision written or typed in this Agreement (including any Schedule to this Agreement) and any provision in the printed portion hereof, the written or typed provision shall supersede the printed provision to the extent of such conflict. This Agreement including any Schedule(s) attached hereto, shall constitute the entire Agreement between the Purchaser and Vendor. There is no representation, warranty, collateral agreement or condition, whether direct or collateral or expressed or implied, which induced any party hereto to enter into this Agreement or on which reliance is placed by any such party, or which affects this Agreement or the property or supported hereby, other than as expressed herein.

Time shall be of the essence of this Agreement, provided that the time for doing or the completing of any matter provided for herein may be extended or abridged by an agreement in writing signed by the Vendor and the Purchaser or by their respective solicitors, who are hereby expressly appointed in this regard. In the event that any date or expiration of time period for in this agreement fall upon a Saturday, Sunday or statutory holiday, it is understood and agreed that such date or time period shall be deemed extended to the business day next following such Saturday, Sunday or statutory holiday. This agreement shall endure to the benefit of and be binding upon the Purchaser, its successors and assigns, and shall enure to the benefit of and be binding upon the Vendor, its successors and assigns.

DATED at HAMILTON this 3RD day of JANUARY A.D., 2003

SIGNED, SEALED AND DELIVERED in the presence of	
RSrinivasan signature of witness	(Seal) signature I Have the Authority to Bind the Corporation
	JOHN PAISLEY printed name of signatory
R. SRINI VASAN printed name of witness	(Seal) signature I Have the Authority to Bind the Corporation
SUITE 1100, 1 KING ST WEST HAMILTON, ONT address of witness	printed name of signatory

Name of Purchaser's Solicitor R. S. VASAN, C/O BURNS, VASAN

Address of Purchaser's Solicitor SUITE 1100, 1 KING STREET WEST, HAMILTON, ON;

City of Hamilton

Mayor

Municipal Clerk

SCHEDULE "A"

Part of Burlington Beach, designated as Parts 6 and 7, Plan RC-H-480 Surveys, being two separate parcels formerly municipally known as 422, 426, 428 Beach Boulevard and 456 Beach Boulevard, City of Hamilton.

SCHEDULE “B”

It is understood and agreed that this Offer to Purchase Agreement is conditional upon the following terms and conditions being met prior to the closing of this Offer to Purchase and the transaction contemplated herein;

Failing which, this transaction shall become null and void and the deposit returned by the Vendor to the Purchaser without interest or deduction and the Vendor shall not be liable for any damages or costs;

(a) The Purchaser at his own cost and expense making applications for and obtaining approval of re-zoning, Site Plan, Subdivision Plan and/or Consent to Land Severance for the subject property to permit an appropriate multi-residential use consistent with the Hamilton Beach Neighbourhood Plan;
(b) The Purchaser entering into the Brownfield Pilot Redevelopment Agreement, attached hereto as Schedule "D", which agreement applies to the said lands, and the lands municipally known as 440 Beach Boulevard;
(c) The Purchaser obtaining a commitment for financing the construction of its improvements proposed to be erected on the said lands and the lands at 440, 464 and 466 Beach Boulevard for the intended multi-residential use;
(d) Compliance of the Purchasers intended use with regulations of all Government authorities;
(e) The Purchaser completing the site remediation as set out in the Brownfield Pilot Redevelopment Agreement, attached hereto as Schedule "D", for the said lands and the lands municipally known as 440 Beach Boulevard;
(f) The holding zone (H) is lifted on the said lands as well as the lands municipally known as 440, 464 and 466 Beach Boulevard, that form part of the proposed multi-residential use development.

SCHEDULE "C"

AUTHORITY TO ENTER

TO: The CITY OF HAMILTON

WHEREAS The BEACH COMMUNITY REAL ESTATE AND DEVELOPMENT INC.

(hereinafter referred to as the "Purchaser") has agreed to purchase from the City of Hamilton land described in Schedule "A" attached hereto (hereinafter the land and the improvements thereon, if any, referred to as "subject land") pursuant to an Agreement of Purchase and Sale (hereinafter referred to as the "purchase")

AND WHEREAS the Purchaser desires to enter upon the subject land prior to the closing of the purchase;

NOW THEREFORE, this Agreement witnesseth, in consideration of the City's permission to the Purchaser to enter upon the subject land, as of the date approved by City Council, the Purchaser agrees and covenants to the City, for itself, its successors, assigns, or heirs, as the case may be:

1. that it will not enter upon the subject lands until City Council has approved this Authority to Enter (approval granted on);

2. ***that it will not enter upon the subject lands except for the purpose of carrying out on-site remediation works in accordance with the Ministry of the Environment Guidelines for Use and Contaminated Sites dated February, 1997. (hereinafter called the "works");***

3. that it will assume all costs and expenses resulting from the carrying on of the works;

4. that it will assume all risks resulting from the carrying on of the works and the entry upon the subject land by the Purchaser;

5. that it will at all times indemnify and save harmless the City from and against all actions, causes of action, interests, claims, demands, costs, damages, expenses or loss which the City may bear, suffer or be put to as a result of the privilege herein allowed (including, without limiting the generality of the foregoing, construction lien claims or claims arising by reason of any damage to property or injury or death to persons);

6. that notwithstanding this Authority to Enter, and the carrying on of the works, the purchase referred to above shall be completed and the consideration paid in the same manner and to the same extent as if the

City had not given this Authority to Enter to the Purchaser on the subject land and as if the Purchaser had not carried on the works;

7. that the Purchaser has not assigned its Agreement of Purchase and Sale with the City;

8. that in the event that the purchase is not completed by the date set out in the Agreement of Purchase and Sale, or any extension thereof, this Authority to Enter shall immediately terminate, and the Purchaser shall not further enter upon the subject land, and the City shall not be liable to pay or to compensate the Purchaser for costs of any improvements, additions, alterations, services or structures on, in or under the subject land;

9. that the Purchaser shall provide a certified copy of a Comprehensive Public Liability Insurance Policy, in a form and with an insurance company satisfactory to the City, in an amount not less than $2,000,000.00 under which the Purchaser and the City are name insured and a cross-liability provision is included;

10. that the Purchaser acknowledges that it is its responsibility to obtain all necessary approvals prior to entering the subject land, including municipal, provincial, federal or other governmental approvals and, including, without limiting the generality of the foregoing, contacting BU DIG, telephone 527-7977.

DATED at HAMILTON this 3RD day of JANUARY , 2003

Signed, Sealed and Delivered
in the presence of:

R Srinivasan

Signature of Purchaser or Signing Officer if a Corporation

JOHN PAISLEY
Name of Signatory

Director
Title/Position if Purchaser is a Corporation

SCHEDULE "D"

Brownfield Pilot Project Agreement No. 1

SCHEDULE D

City of Hamilton

Brownfield Pilot Redevelopment Agreement

THIS REDEVELOPMENT AGREEMENT DATED as of the 3rd day of January, 2003

BETWEEN:

Beach Community Real Estate and Development, Inc.

(hereinafter may be referred to as the "Developer")

-and -

CITY OF HAMILTON

(hereinafter may be referred to as the "City")

WHEREAS the City has set aside funding to promote brownfield redevelopment through the funding of brownfield pilot projects;

AND WHEREAS the Developer has approached the City and requested consideration for brownfield pilot project funding for remediation of the lands described in Schedule "A" of this Agreement; (hereinafter such land may be referred to as the "subject lands" or "subject property", and such lands form part of a residential development proposed by the Developer;

AND WHEREAS the City owns properties known municipally as 422, 426, 428 and 456 Beach Boulevard that are subject of this Agreement and the Developer has submitted an Offer to Purchase for these properties to the City;

AND WHEREAS the Developer has satisfied the City that he has options to purchase on the remaining properties that are subject of the proposed residential development;

AND WHEREAS a condition of approval to the brownfield pilot project funding, the Developer is required by the City to enter into this Agreement;

NOW THEREFORE THIS AGREEMENT WITNESSETH THAT, in consideration of,

(i) the premises and the covenants and Agreements hereinafter contained on the part of the Developer to be observed, fulfilled and performed as hereinafter required; and

(ii) the conditional approval of brownfield pilot project funding by the City subject to and in accordance with the terms and conditions hereinafter recorded in this Agreement,

The parties do hereby covenant and agree as follows:

1. FUNDING

1.1 The amount of funding to be provided by the City toward the environmental remediation of the properties in Schedule A shall be calculated according to the following formulas:

a) Remediation costs are estimated at $425,000-$450,000 (plus G.S.T) and have been capped by the remediation contractor at $450,000 (plus G.S.T);

b) The City will contribute a maximum of $175,000 (plus G.S.T) toward the remediation costs;

c) If remediation costs are between $400,000.00 and $450,000.00, the City will contribute $175,000 (plus G.S.T).

d) If remediation costs are less than $400,000.00, the Developer will pay 56.25% of total remediation costs (plus G.S.T) and the City will contribute 43.75% of total remediation costs (plus G.S.T).

2. PAYMENT

2.1 The Developer will pay the first $275,000 toward remediation costs. The City will pay the remainder of the remediation costs to a maxium of $175,000

2.2 If remediation costs are between $400,000 and $450,000, the City will reimburse the Developer any overpayment according to formula 1.1 c) above, with said reimbursement to be paid upon submission of a signed Record of Site Condition (RSC) to the City and the Ontario Ministry of Environment and Energy (MOEE), with said RSC to the satisfaction of the City, including an acknowledgement of receipt of the RSC by the MOEE.

2.3 If remediation costs are less than $400,000, the City will reimburse the Developer any overpayment according to formula 1.1 d) above, with said reimbursement to be paid upon submission of a signed Record of Site Condition (RSC) to the City and the Ontario Ministry of Environment and Energy (MOEE), with said RSC to the satisfaction of the City, including an acknowledgement of receipt of the RSC by the MOEE.

2.4 Payment of the brownfield pilot funding and the actual amount of the payment is subject to the City's review and satisfaction with all reports and documentation submitted in support of the application, including but not limited to: documentation of the estimated and actual costs of eligible works. Any and all of these costs may be, where required by the City subject to verification, third party review or independent audit, at the expense of the developer.

3. CORPORATE STATUS

3.1 The Developer represents to the City that:
(a) the Developer has been duly incorporated as a corporation and is in good standing under the Business Corporations Act and is in compliance with all laws that may affect it and will remain so throughout the term of this Agreement;
(b) the Developer has the corporate capacity to enter into this Agreement and to perform and meet any and all duties, liabilities and obligations as may be required of it under this Agreement;
(c) the Developer is a resident of Canada as of the date of this Agreement and that in the event the Developer ceases to be a resident of Canada, the Developer shall immediately notify the City
(d) to the best of their knowledge and belief, there are no actions, suits or proceedings pending or threatened against or adversely affecting the Developer in any court or before or by any federal, provincial, municipal or other governmental department, commission, board, bureau or agency, Canadian or foreign, which might materially affect the financial condition of the Developer or title to their property or assets;
(e) the Developer shall notify the City immediately of any material change in the conditions set out in paragraphs (a)-(d) above.

4. PROVISIONS RELATING TO THE DEVELOPER

4.1 Prior to the City's consideration of this Agreement, the Developer will provide the City with:
(a) a certified true copy of a resolution of the Board of Directors of the Developer (certified by an officer of the corporation) that authorizes the corporation to enter into this Agreement with the City; and,
(b) a copy of the agreement of purchase and sale with the owners of the properties municipally known as 440, 464 and 466 Beach Boulevard.

4.2 Prior to the City's execution of this Agreement, the Developer shall have submitted to the City for its review and acceptance:
(a) a work plan for the remediation of the subject property, including an estimate of the total cost of remediation works;
(b) all plans, including site plans, for the redevelopment of the subject property and supporting documentation, including the Developer's proposed residential and non-residential uses for the redevelopment; and,
(c) any related information as requested by the City at any point in time thereafter.

4.3 Any and all cost estimates, plans, specifications, budgets and contract documents submitted by the Developer pertaining to the environmental remediation, may be, where required by the City, subject to verification, third party review or independent audit, at the expense of the Developer. The Developer may also be required to submit, to the satisfaction of the City, documentation in support of the financial viability of the project, including a sources and uses of funds statement, development pro forma and letters of interest from lenders. As the City is relying upon this information, if the information in this Agreement or any supporting documentation submitted to the City is, in the opinion of the City, incomplete, false, inaccurate or misleading, the brownfield pilot project funding will be forfeited and not advanced by the City, and where said funding has already been advanced by the City, such funding shall be repaid by the Developer as required by the City.

4.4 The Developer shall re-develop and use the subject property in accordance with the plans, to the extent such plans have been accepted by the City for purposes of the brownfield pilot project funding and this Agreement.

4.5 The Developer shall provide the City with all required and requested documentation prior to commencement of any material alterations or improvements to the subject lands, including any work that would be the subject of this Agreement and any work that would be subject of the redevelopment plan.

4.6 The Developer shall not commence any works that are the subject of the brownfield pilot project funding prior to receiving approval of this Agreement.

4.7 The Developer shall strictly comply with and observe all requirements, stipulations, guidelines and directives required by the City, and shall undertake all necessary courses of action to ensure compliance.

4.8 The Developer agrees that the redevelopment, including improvements made to buildings and/or land, shall be made in compliance with all required Building Permits, and constructed in accordance with the Ontario Building Code and all applicable zoning by-law requirements, municipal requirements and other approvals required at law.

4.9 Prior to, and as a condition of the sale of the City owned land described in Schedule A to the Developer, the Developer will:
(a) submit a signed Record of Site Condition (RSC) for residential use of the property to the City and the Ontario Ministry of Environment and Energy (MOEE), including an acknowledgement of receipt of the RSC by the MOEE; and,
(b) ensure that all planning approvals are in place, including, but not limited to: an official plan amendment, re-zoning, plan of subdivision/condominium, and site plan approval.

4.10 Upon closing of the sale of the City owned land to the Developer, the Developer will merge all properties on which the development is to take place into one property.

4.11 The Developer acknowledges and agrees to release, indemnify and hold harmless the City, its officers, employees, councillors, and agents from and against any and all liability, claims, actions, causes of action, interest, demands, fines, costs, charges, damages, expenses or loss made by any person, including the Developer, arising directly or indirectly from on-site contamination (on, in or under) the subject lands and off-site contamination to adjoining lands

4.12 The Developer will provide to the City, upon request, a status report signed by the Developer and his/her environmental consultant to confirm the status and completion of the remediation project.

4.13 Upon completion of the remediation project, the Developer shall provide the City with documentation as to the amount of remediation costs actually incurred by the Developer. Subject to said documentation being satisfactory to the City, the City shall, reimburse the Developer for any overpayment as per the funding formula in Section 1.1 of this Agreement. Such documentation and costs may be, where required by the City subject to verification, third party review or independent audit, at the expense of the Developer.

4.14 The Developer agrees to pay 50% of the costs of any environmental insurance policy required by the City, to a maxium payment from the Developer of $20,000 (plus taxes).

4.15 Should the ERASE Redevelopment Grant Program be expanded to include the subject properties, the Developer will be eligible to apply to the City of Hamilton for an ERASE Redevelopment Grant for the remediation costs actually expended by the Developer to a maximum of $275,000, subject to the applicable requirements, criteria and conditions of the grant program at the time application is made.

4.16 The Developer will provide to the City, upon request, a detailed progress report on the status of the redevelopment, including, but not limited to: the redevelopment schedule, the existence and extent of any faults or defects, the value of the work done under any contract, the amount owing to any contractor and the amounts paid or retained by the Developers on any contract.

4.17 The Developer shall ensure there are no liens or other claims outstanding in respect of the Schedule A land, including its redevelopment, all accounts for work and materials which could give rise to any claim for a construction lien against the Land or the Schedule A land have been paid; and there is no default by the Developer in compliance with the terms of this Agreement.

4.18 The Developer shall ensure that the Developer is in compliance with the Construction Lien Act, including its holdback provisions and is not aware of any potential or unresolved Lien claim in respect of the redevelopment.

4.19 The Developer covenants to the City that the Developer shall use the Schedule A land in compliance with this Agreement, all municipal by-laws pertaining to use, and all applicable environmental laws.

4.20 The Developer agrees to comply with all outstanding work orders and/or orders or requests to comply from any and all City departments prior to Grant approval.

4.21 On closing, the Developer's lawyer shall provide the City with their Lawyer's Certificate of Title and Registration to certify to the City, in a form satisfactory to the City's Corporate Counsel that:
(a) the Developer named in this Agreement is the registered Owner of the property municipally known as 440 Beach Boulevard ;
(b) the Agreement has been executed on behalf of the Developer by individual(s) who have authority to bind the Developer;
(c) a complete legal description of the property municipally known as 440 Beach Boulevard is set out in Schedule "A" of this Agreement; and,
(d) the property taxes of the properties municipally known as 440 Beach Boulevard and owned by the Developer are in good standing.

4.22 The Developer's lawyer shall act for the City in its capacity as donor advancing the brownfield pilot project funding subject to the several obligations set out in this Agreement. The Developer shall pay the lawyer's fees and disbursements in acting for the City.

4.23 The said lawyer shall perform for the City all the usual duties of a lawyer acting for a municipality advancing a Grant to a Developer, including the following:

(a) checking insurance, realty taxes, utilities, and title of the Developer;
(b) prepare prior to advance of the brownfield pilot project funding, satisfactory to the City, a statutory declaration by a director and officer of the Developer certifying to the City that;

  (i) the Developer is in compliance with the Terms of this Agreement;
  (ii) the Developer is a corporation in good standing;
  (iii) the Developer has properly authorized this Agreement and passed all required resolutions and by-laws for that purpose;
  (iv) the City has received certified true copies of all the documents, resolutions and by-laws for the Developer to authorize taking this funding from the City upon the terms of this Agreement;
  (v) the Developer named in this Agreement has agreements of purchase and sale on the all the properties municipally known as 440, 464 and 466 Beach Boulevard;
  (vi) no construction liens or other claims have been registered on title to the premises as a result of the Developers' redevelopment of the subject land;
  (vii) the property has been subsearched and will be subsearched immediately prior to the advance of the funding;
  (viii) whether the Developer has received Notice of any lien claim.

4.24 The City at all times retains the right to seek other legal advice regarding these matters from such other legal advisers as the City may, in its discretion, decide.

4.25 The Developer shall address all communications to the City in respect of this Agreement, including the Developer's request for payment of brownfield pilot project funding, to:

Executive Director
City of Hamilton
Economic Development Department
1 James Street South, 8th Floor
Hamilton ON L8P 4R5

4.26 The Developer shall not be entitled to payment of brownfield pilot project funding unless and until they have met the conditions expected to be fulfilled by the Developer, and until all the conditions of this Agreement have been fulfilled satisfactory to the City.

4.27 In the event that the Developer does not comply with any provision, requirement or other obligation of the Developer under this Agreement, the City may, at its sole discretion, terminate the conditional brownfield pilot project funding, and the City may, by notice to the Developer, confirm such termination.

4.28 Except where expressly stated in this Agreement, all conditions in this Agreement are for the benefit of the City and may only be waived by the City. No waiver is effective unless in writing.

4.29 The Developer acknowledges that the City of Hamilton by reason of its conditional approval of this Agreement and its acceptance of the Developer's plans for redevelopment of the subject property:
(a) is not responsible for the identification and remediation of contamination on the subject property; and,

(b) is not responsible for commenting upon, authorizing or approving any of the redevelopment pursuant to any of its regulatory authority under the *Planning Act*.

4.30 The Developer acknowledges that without limiting the generality of the other provisions of this Agreement:
(a) the onus and responsibility is upon the Developer at all times to apply for and obtain, at the Developer's expense, all approvals and permits required from the City and all other agencies for the redevelopment of the subject property, including but not limited to all Official Plan Amendments, re-zoning bylaws, minor variances, site plan approval and building permits;
(b) nothing in this Agreement limits or fetters the City in exercising its statutory jurisdiction under the Planning Act or under any other legislative authority or by-law and that in the event the City decides to deny or oppose or appeal any such decision, that such action by the City is not in any manner limited by reason of the City entering into this Agreement;
(c) the Developer releases the City from any liability in respect of the City's reviews, decisions, inspections or absence of inspections regarding this redevelopment and the Developer agrees that it is its responsibility at all times to prepare and implement its redevelopment as would a careful and prudent land-Developer;
(d) nothing in this Agreement is intended to impose or shall impose upon the City any duty or obligation to inspect or examine the land for compliance or non-compliance or to provide an opinion or view respecting any condition of development; and,
(e) nothing in this Agreement is intended to be or shall be construed to be a representation by the City regarding compliance of the land with: (1) applicable environmental laws, regulations, policies, standards, permits or approvals, or, (2) other by-laws and policies of the City.

4.31 In the event that the Developer does not fulfil one or more of the conditions of this Agreement, the City may delay or cancel the brownfield pilot project funding. The Developer agrees that notwithstanding any costs or expenses incurred by the Developer, the Developer shall not have any claim for compensation or reimbursement of these costs and expenses against the City and that the City is not liable to the Developer for losses, damages, interest, or claims which the Developer may bear as a result of the lapse of time (if any) where the City is exercising its rights herein to either delay payment of funding pending the Developers' compliance with this Agreement, or to terminate this Agreement.

4.32 The Developer shall indemnify, save, defend and keep harmless from time to time and at all times, the City and its officers, employees, councillors, and agents from and against all claims, actions, causes of action, interest, demands, costs, charges, damages, expenses and loss made by any person arising directly or indirectly from:
(a) the City entering into this Agreement; and
(b) any failure by the Developer to fulfil its obligations under this Agreement.
This indemnification shall, in respect of any matter arising prior to the termination of this Agreement, remain in force following termination or expiry of this Agreement.

4.33 The Developer is bound by this Agreement, unless, prior to the Developer receiving any payment from the City, the Developer gives notice in writing to the City, that the Developer has decided not to accept the funding contemplated by this Agreement, in which case, the Agreement is terminated.

5. PROVISIONS RELATING TO THE CITY

5.1 The City agrees to sell the lands situated in the City of Hamilton and properties municipally known as 422, 426, 428 and 456 Beach Boulevard to the Developer for a price of $200,000, as per the Offer to Purchase, of which this Agreement forms Schedule D.

5.2 The City will contribute maximum brownfield pilot project funding of $175,000 (plus G.S.T) toward the cost of environmental remediation of the subject lands.

5.3 The company or companies to be used to conduct the environmental remediation of the subject lands is subject to prior approval by the City.

5.4 The City reserves the right to require a third party review or independent audit of all documentation submitted in support of the application for brownfield pilot project funding, including, but not limited to:

(a) estimates and actual costs of the eligible works; and,
(b) environmental reports and documentation.

5.5 Upon completion of the environmental remediation, and prior to merging of the subject lands into one property, the City will require the Developer to submit a signed Record of Site Condition (RSC) to the City and the Ontario Ministry of Environment and Energy (MOEE), with said RSC to the satisfaction of the City, including an acknowledgement of receipt of the RSC by the MOEE.

5.6 The City will place a holding designation (H) on the subject property and one of the conditions of lifting the holding designation will be the submission by the Developer of a signed Record of Site Condition (RSC) to the City and the Ontario Ministry of Environment and Energy (MOEE), with said RSC to the satisfaction of the City, including an acknowledgement of receipt of the RSC by the MOEE.

5.7 If in the opinion of the City the subject property is not remediated to a condition where an RSC for residential use can be submitted to the Ontario Ministry of Environment and Energy (MOEE), with said RSC to the satisfaction of the City, including an acknowledgement of receipt of the RSC by the MOEE, then, the City may, at its own discretion and without notice, require repayment of all brownfield pilot project funding paid out by the City to the Developer.

5.8 The City, its employees and agents are entitled to inspect the Schedule A land and all fixtures and improvements upon the Land at any time during usual business hours for the purpose of ascertaining their condition or state of repair or for the purpose of verifying compliance with the provisions of this Agreement.

5.9 Should the developer not commence construction of the first phase of the planned redevelopment within one (1) year of closing, and should the developer not commence construction of each of the subsequent phases of the planned redevelopment within one (1) year of building permit issuance for each phase, or within six (6) months of completion of the previous phase, whichever comes first, the City may, at its own discretion and without notice, require repayment of all brownfield pilot project funding paid out by the City to the Developer. The City's decision as to when construction is commenced and completed is final.

5.10 The City retains the right at all times not to make any of the brownfield pilot project payments or to delay payment where the City deems that there is non-compliance by the Developer with this Agreement.

6. DEFAULT AND REMEDIES

6.1 On the occurrence of Default under this Agreement the City shall be entitled to its remedies to enforce this Agreement, including, but not limited to, ceasing or delaying the release of the brownfield pilot funding pursuant to this Agreement, and where specified in this Agreement, repayment by the Developer of all brownfield pilot payments to the City.

6.2 Default shall be deemed to occur upon any default of the Developer in complying with the terms set out in this Agreement, including, but not limited to, the following:
(a) use of City brownfield pilot funding for any non-permitted purpose;
(b) non-compliance with any City by-laws;
(c) failure to pay and keep in good standing all real property taxes;
(d) any representation or warranty made by the Developer is incorrect in any material respect;
(e) failure to perform or comply with any of the obligations contained in this Agreement or contained in any other Agreement entered into between the Developer and the City;
(f) the Developer makes an assignment for the benefit of creditors, or assigns in bankruptcy or takes the advantage in respect of their own affairs of any statute for relief in bankruptcy, moratorium, settlement with creditors, or similar relief of bankrupt or insolvent debtors, or if a receiving order is made against the Developer, or if the Developer is adjudged bankrupt or insolvent, or if a liquidator or receiver is appointed by reason of any actual or alleged insolvency, or any default of the Developer under any mortgage or other obligation, or if the subject lands or interest of the Developer in the subject lands becomes liable to be taken or sold by any creditors or under any writ of execution or other like process;
(g) if the Developer wilfully defaults in a material way in the payment of moneys to any contractor, supplier, or creditor who has undertaken the eligible works that are subject of this Agreement;
(h) If this Agreement is forfeited or is terminated by any other provision contained in it.

7. ADDITIONAL PROVISIONS

7.1 Time shall be of the essence with respect to all covenants, Agreements and matters contained in this Agreement.

7.2 As hereinafter set out below, the Schedules attached to and forming part of this Agreement includes:

Schedule "A" Description of subject property

IN WITNESS WHEREOF the parties duly execute this Agreement, as follows as of the day and date set out in the date of this Agreement:

Approved As To Form: **CITY OF HAMILTON**

Legal Services
(1 -)

____
Robert E. Wade, Mayor

______________________________ c/s
Kevin C. Christenson, City Clerk

THE BEACH COMMUNITY REAL ESTATE AND DEVELOPMENT CORPORATION
(print name of Developer,
where a corporation)

Where Developer is not a company, the Developer's signature was signed in the presence of:

R Srini Vasan
R. SRINI VASAN
Witness (print name below signature) per: ______________________________

____________________ per ______________________________ c/s
Witness (print name below signature)

I/we have authority to bind the corporation.

SCHEDULE "A"

of a Redevelopment Agreement between the City of Hamilton and the Developer named in this Agreement.

Legal description of lands being redeveloped that are subject to the Redevelopment Agreement

Part of Burlington Beach, designated as Parts 6 and 7, Plan RC-H-480 Surveys, being two separate parcels formerly municipally known as 422, 426, 428 Beach Boulevard and 456 Beach Boulevard, City of Hamilton.

Part of Burlington Beach, as in CD425312; Hamilton, P.I.N. 17570-0092 (R), municipally known as 440 Beach Boulevard, City of Hamilton

CITY WIDE IMPLICATIONS

CITY OF HAMILTON

14.4

TRANSPORTATION, OPERATIONS & ENVIRONMENT
Waste Management Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Scott Stewart Acting General Manager
Date:	December 17, 2002	**Prepared by:**	Beth Goodger Extension 3916 Pat Parker Extension 5252

SUBJECT: Proposed Advance Budget Reductions - Solid Waste Management (TOE03004) - (City Wide Implications)

RECOMMENDATION:

(a) That the frequency of scheduled Bulk Waste collection be reduced from six to three times per year for 2003;

(b) That the frequency of scheduled Leaf and Yard Waste collection be reduced from sixteen to eleven times per year for 2003;

(c) That a fee of $20 per appliance containing CFCs be introduced in 2003 for the White Goods Program;

(d) That the program changes outlined in Recommendations (a) to (c) above be communicated in the 2003 - 2004 Waste Collection Calendar; and

(e) That the resulting cost savings from Recommendations (a) to (c) above be incorporated into the 2003 Budget.

Scott Stewart, Acting General Manager
Transportation, Operations & Environment

EXECUTIVE SUMMARY:

Of the proposed budget reductions for the Waste Management Division, there are three waste collection programs that require approval in advance of the 2003 Budget Process so that they can be included on the 2003-2004 Waste Collection Calendar. These programs include the reduction of collection frequency for Bulk Waste and Leaf and

Yard Waste and introducing a $20 fee for collection of White Goods (appliances) that contain CFCs.

The program changes would result in potential reduction of $615,000 for the 2003 Budget.

Although the Solid Waste Management Master Plan (SWMMP) Steering Committee recognized the cost savings/revenues, some of the members expressed concerns about the impact that the changes may have on illegal dumping.

If the savings are to be recognized in 2003 the program changes must be communicated in the 2003 - 2004 Waste Collection Calendar. The current calendar goes to March 31, 2003, and the new calendar will be sent out in early March 2003. In order to meet print deadlines and get the calendars printed, dates and information must be signed off by the end of January. It is therefore recommended that the program changes be approved in accordance with the recommendations of this report, and that the cost savings be included in the 2003 Budget so that the program changes can be communicated to the residents in the 2003-2004 Waste Collection Calendar.

BACKGROUND:

The purpose of this report is to present to Council those aspects of the Waste Management Division proposed budget reductions which are affected by the timelines for the 2003-2004 Waste Collection Calendar.

These changes are being presented to Council in advance of the general budget process to obtain direction so that accurate program information can be included in the Waste Collection Calendar, which goes to print at the end of January for distribution in early March 2003.

ANALYSIS OF ALTERNATIVES:

The analysis in this report relates to the solid waste program changes proposed for three collection programs. The nature of the changes includes:

- Bulk Waste Collection Program - Frequency of Collection
- Leaf and Yard Waste Collection Program - Frequency of Collection
- White Goods Collection Program - Fee for CFC Removal

The proposed program changes will be reviewed relative to service levels, quality and quantity of service, budget implications and risk impacts.

All of these program changes share a common risk in that their implementation may result in illegal dumping of waste, particularly in the initial stages, as experienced in some other Southern Ontario municipalities

Bulk Waste Collection Program – Frequency of Collection

1) Program Change

The present Waste Collection Calendar includes six regular scheduled collections per year for Bulk Waste. As part of the submitted budget reductions, it is proposed that the number of collections be reduced to three. Collection would be scheduled for January and March (as these are on the 2002-2003 calendar). The third collection would be scheduled for September 2003 and would be included in the 2003-2004 calendar.

It is intended that future promotional material, including the Waste Collection Calendar and the website, include information encouraging residents to consider reuse opportunities with community organizations and private companies, prior to disposing of material as Bulk Waste.

2) Service Level Impacts

There will be some impact on service, however, it appears from the amount of Bulk Waste collected in 2002, that residents enjoyed the fact that there were regular scheduled collections regardless of the frequency. Reducing the number of collections means that residents may have to retain material for slightly longer periods, or they have the option of taking it to a Transfer Station.

This program change may result in an increase in roadside dumping, and may also initially increase the number of calls about service changes. It is not expected that the program change will significantly impact on the amount of Bulk Waste collected.

3) Cost Savings

It is estimated that the cost savings of reducing scheduled Bulk Waste collections from 6 to 3 times per year will result in a cost savings of $280,000.

Leaf and Yard Waste Program - Frequency of Collection

1) Proposed Program Changes

It is proposed to modify the Leaf and Yard Waste program to eliminate collection in the summer months (July, August and up to September 19). It is also proposed that grass clippings be banned from the garbage stream. As such, there would be no collection of grass clippings during the summer months. Residents will be encouraged to grass-cycle (leave the clippings on the lawn) and to compost materials in their backyards. Leaf and Yard Waste, including grass clippings will continue to be accepted at the Transfer Stations, at no charge to residents. Grass clippings will continue to be collected as leaf and yard waste during the scheduled collection days.

The changes would be communicated in the Waste Collection Calendar, and alternatives for summer months would be promoted from June to September.

2) Service Level Impacts

In 2002, 14,345 tonnes of waste was diverted from landfill through the Leaf and Yard Waste program. This is an increase of 37% over 2001, indicating that the program is successful and continues to enjoy the support of residents. It is expected that the increase in 2003 will be a more modest 5% increase, representing about 1,000 tonnes.

Approximately 75% of the leaf and yard waste is generated in the months between April to June and October and November. Appendix A shows quantities of leaf and yard waste collected by month for 2000 to 2002. As such residents are being asked to find alternative means of handling approximately 25% of the their yard waste that is generated in a 10-week period. The biweekly schedule for 2003 would be between April 14 to July 4 and September 22 to November 28.

The changes would be included in the Waste Collection Calendar and promotional material will continue to remind residents to grass-cycle and to use their backyard composters for grass clippings.

Of the 2002 tonnage diverted, 9,581 tonnes was collected at curbside, while the balance of 4,764 tonnes was received at the Transfer Stations. The Transfer Stations continue to accept Leaf and Yard Waste at no charge to residents.

It is expected that the City will receive 700 tonnes of finished compost from the 2002 program, and this will be distributed at waste management events in 2003, and to other City departments for use in their operations.

3) Cost Savings

It is expected that the cost savings of reducing the number of scheduled Leaf and Yard Waste collections from sixteen to eleven will be $260,000.

White Goods Collection Program - Fee for CFC Removal

1) Proposed Program Change

It is proposed to change the White Goods Collection Program only as it applies to appliances that contain chlorofluorocarbons (CFCs). These White Goods include dehumidifiers, freezers, refrigerators, air conditioners, and other CFC bearing appliances. It is required that the CFCs be removed from White Goods prior to removal. It is estimated that this will represent approximately 3,750 White Goods in 2003.

It is proposed to charge a fee of $20 for the removal of the CFCs to offset the cost that the City pays the White Goods Contractor.

Residents would continue to call the Customer Contact Centre to arrange for White Goods collection and they would be asked the type of White Good item being disposed. If it contains CFCs, the resident would be advised that a sticker was required, and the stickers could be purchased over the telephone or at a Municipal Service Centre. Telephone requests will accept payment via cheque, money order or credit card. Municipal Service Centres can also accept debit payments in addition to the telephone payment options. The resident would apply the sticker to the White Good item and place the item at the curb by 7:00 p.m. on the evening prior to the scheduled collection day.

2) Service Level Change

There would be no change in the service level, although some residents may consider the need to purchase a sticker an inconvenience. There is some risk that this may initially result in additional roadside dumping.

White goods that have had the CFCs removed continue to be accepted at Transfer Stations. White goods, including items containing CFCs can also be delivered to the Canadian Waste Services location, at 77 Brant Street in Hamilton, free of charge.

3) Cost Savings

Applying a $20 fee to collection of White Goods that contain CFCs will generate revenues of approximately $75,000 in 2003. This will offset the cost that the City pays to the contractor to collect and remove the CFCs.

Corporate Secretariat has advised that there would be no additional cost implications to Waste Management to sell stickers.

The City's White Goods contractor, Canadian Waste Services Inc., has also advised that there will be no additional cost implications from this change to the White Goods collection program.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The following table summarizes the potential savings from the proposed budget reductions for the three program changes:

SUMMARY OF PROPOSED BUDGET REDUCTIONS	
Program	**Cost Savings**
Bulk Waste Collection	$280,000
Leaf and Yard Waste Program	$260,000
White Goods	$75,000
TOTAL FOR THREE PROGRAMS	**$615,000**

POLICIES AFFECTING PROPOSAL:

The policies directly affecting waste diversion programs are those in the Solid Waste Management Master Plan (SWMMP). The proposed program changes do not impact significantly on the implementation of the SWMMP.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

These proposed program changes and the resulting cost reductions have been reviewed with the Finance Department, Corporate Secretariat and the SWMMP Steering Committee.

The SWMMP Steering Committee provided a mixed response to the proposed changes, recognizing that the changes may result in increased illegal dumping, but also that there are cost savings. The Steering Committee requested that a lower fee be considered for White Goods. With a $10 fee, the revenues are estimated to be $38,000, for a total budget reduction of $577,000 for the three proposed program changes.

The proposed budget reductions are supported by the Finance Department. Corporate Secretariat advises that the program changes should not impact on their operation or staffing relating to selling stickers for the White Goods program.

CITY STRATEGIC COMMITMENT:

Hamilton's Mission, Vision, Values and Goals Statement

The program changes proposed in the recommendations may not contribute to the development and enhancement of the City's waste diversion programs and therefore may not be consistent with Council's Mission, Vision, Values and Goals Statement.

Effective Solid Waste programs support the City's vision for "...a safe, healthy, sustainable community...". The proposed program changes will not make the programs more effective, however, still provide adequate service levels that are competitive with such programs in other Ontario municipalities. The proposed waste diversion program changes may not contribute to the fulfilment of the City's goals except that they may be considered to provide best value and balanced service provision.

Sustainable Development - VISION 2020

The proposed program changes may impact on fulfilling the goal of managing waste safely and responsibly.

Business Planning and Budget

The City Manager's report on Business Planning and Budget was approved by Committee of the Whole on June 18, 2002 and by Council on June 26, 2002.

The program changes may be considered to be in alignment with Council's priority to be fiscally accountable, with the intent to provide best value for tax dollars invested.

APPENDIX 'A'

MONTHLY LEAF & YARD WASTE COMPOSTED

(Tonnes)

	2002	2001	2000
January	184	19	65
February	67	9	16
March	183	65	128
April	906	437	335
May	2,307	1,360	868
June	1,944	1,541	972
July	1,363	977	612
August	1,135	829	516
September	1,039	840	434
October	1,513	1,326	663
November	3,419	2,770	1,379
December	285	298	93
Total	**14,345**	**10,470**	**6,082**

2000-2001 Increase in recovery	**72%**
2001-2002 Increase in recovery	**37%**
2000/2002 Increase in recovery	**136%**

CITY WIDE IMPLICATIONS

14.5

CITY OF HAMILTON

TRANSPORTATION, OPERATIONS & ENVIRONMENT
Waste Management Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Scott Stewart Acting General Manager
Date:	December 17, 2002	**Prepared by:**	Beth Goodger Extension 3916 Anne Winning Extension 5521

SUBJECT: **Feasibility of Establishing a Three Container Limit for Residential Waste Collection - (TOE03005) - (City Wide Implications)**

RECOMMENDATION:

(a) That, in view of the closure of SWARU, curbside garbage collection service for the City be set at a limit of three containers per single family residential household per week effective March 31, 2003, to increase diversion of waste from landfill through the City's recycling and leaf and yard waste programs.

(b) That an awareness campaign be incorporated into the Communications Strategy for the recycling program changes.

(c) That notice be provided to residents that set out containers in excess of the three container limit to educate them on the options to reduce waste set out for collection.

(d) That the General Manager of Transportation, Operations & Environment report back during the 2004 budget process but not later than January 2004, on the level of voluntary compliance and the need to enforce the three container limit.

Scott

Scott Stewart, Acting General Manager
Transportation, Operations & Environment

EXECUTIVE SUMMARY:

Subsequent to direction from Council and requests from the Solid Waste Management Master Plan (SWMMP) Steering Committee and Task Force, the subject of this report is to consider the implementation of a three container limit for weekly residential waste (garbage) collection throughout the City.

Curbside waste collection is currently provided weekly throughout the City of Hamilton. Residential properties currently have a limit of six containers per week.

Staff reviewed a number of options for introducing a three container limit and are recommending that a voluntary program be initially introduced to coincide with the recycling program changes. Achieving the 65% waste diversion target will require commitment from City residents to participate in waste diversion programs. Container limits are a means to encourage diversion by limiting the amount of waste collected and provide unlimited collection of recyclable materials and leaf and yard waste.

The new container limit will apply only to single family households and will be introduced as an awareness campaign to solicit voluntary compliance. The voluntary program will also be closely monitored to gain a better understanding of the requirements of enforcing a program or introducing a fee for bags in excess of the limit. Waste composition studies undertaken by the City in Hamilton indicate that most single family homes are already meeting the three container limit.

The change will:

- Build on the momentum of SWARU closure in December 2002 and need for action by residents.
- Support the 65% waste diversion target and implementation of the Solid Waste Management Master Plan (SWMMP).
- Fit with the launch of the interim recycling program as a public awareness tool to encourage recycling.

BACKGROUND:

On September 18, 2001, Council considered and approved item 1 of Committee of the Whole Report 01-029, Uniform Waste Collection Service Levels - Harmonization of Waste Collection Services (TOE01118a). In addition to the recommendations on collection services, the following recommendation was approved:

> 1. (i) "That a base level garbage collection service for the City be set at a limit of six containers per household (or equivalent) per week".

Subsequently on December 11, 2002, Council approved the Solid Waste Management Master Plan. Recommendation #'s 7 and 8 of the SWMMP are:

#7 The City of Hamilton will consider the potential need for a user-pay system to encourage waste diversion and fund the waste management activities.

#8 The City of Hamilton should adopt flexible enforcement systems that become progressively rigorous as waste diversion systems come into operation, recognizing the socio-economic and cultural diversity of the City.

More recently, with the impending closure of SWARU, the Waste Reduction Task Force recommended that Council consider limiting the number of garbage containers to three.

This recommendation was presented to Council in the report SWARU and Solid Waste Management Master Plan Options and Costs (TOE02220/FC02146) on December 3, 2002. Council approved the following recommendation:

(f) That the General Manager of Transportation, Operations and Environment report back on the feasibility of implementing a three container garbage limit as a way to reduce waste being landfilled, consistent with Recommendation #'s 7 & 8 of the SWMMP.

With recent waste management activities including the SWARU closure, the award of the new recycling contracts and several program improvements in the past two years, there is merit in implementing a three container limit in conjunction with the launch of the new recycling contracts on March 31, 2003.

The distribution of the 2003-2004 Waste Collection Calendar and promotion of the recycling program changes provide a good opportunity to promote a change in container limits at low cost in conjunction with these efforts.

Recent Waste Diversion Activities

In the past two years, several waste management program initiatives have been implemented, to encourage diversion of waste from landfill:

- Diversion from the enhanced Leaf & Yard Waste Program continues to improve, with approximately 14,345 tonnes collected in 2002, a 37% increase over the 2001 tonnage of 10,470 tonnes;
- Four Special Environment Day events in 2002 saw attendance figures totalling over 4,000 cars and diverting 172 tonnes of waste; and
- In the first two months of operation the Green Cart organics demonstration project, 65% of the study area residents participated and 76 tonnes of organic waste diverted.

However the City's waste diversion rate continues to be in the range of 18 - 19%. With the closure of SWARU in December 2002, it is essential that waste diversion efforts be enhanced where possible to progress toward the waste diversion target of 65% by 2008.

Container Limits and Diversion

The objective of container limit programs is to establish a limit that is low enough to successfully contribute to waste diversion targets. Introducing a fee for containers or a "Pay as you Throw" system in conjunction with container limits provides a financial incentive to reduce waste.

Studies indicate that "Pay as you Throw" programs are the most effective, efficient way to increase diversion. Association of Municipal Recycling Coordinators (AMRC) data indicates that communities can expect the diversion rate to increase anywhere from 40 to 70% in the first year of implementation. Landfill life will be increased as reduced tonnages are guaranteed. Statistics clearly indicate that when residents become more financially responsible for the amount of waste they generate they become more conscious of limiting those amounts generated.

ANALYSIS OF ALTERNATIVES:

In Ontario, waste collection container limits and/or user-pay programs have been adopted by approximately 100 communities, indicating that introducing a three container limit is feasible. Some of the programs in nearby municipalities are listed in Appendix A to this report. A container limit program restricts the number of containers or bags of garbage per household that can be set out for weekly collection. It does not include the recycling, leaf and yard or organics containers. If the number of containers exceeds this limit, there are several approaches used:

- Additional containers may not be picked up
- A set number of tags are provided for containers at no charge for residents to use them when required
- Tags or stickers are sold at local stores for containers in excess of the limit
- Amnesty periods are permitted for times such as spring clean-up or during holidays.

Research on other programs suggests that when container limits are imposed, the implementation varies as municipalities have tailored their programs to fit their waste management facilities, requirements, budgets and perhaps their residents' commitment. The key variations relate to how to deal with additional containers (grace periods, stickering, costs, availability). One common factor, however, is that a container limit of three or less is imperative to increasing diversion rates.

The October 2001 Waste Composition Study by Earth Tech Canada indicates the average City household sets out two to three garbage containers per week. Unfortunately it also indicated that approximately 28% of the materials disposed in the waste stream could be diverted through the recycling or leaf & yard waste collection programs. Therefore, a limit of more than three containers will neither result in a noticeable reduction in garbage set out nor increase in waste diverted through recycling or composting programs. Establishing a three container limit would contribute to a better awareness by residents about the amount and type of waste they generate in the home and encourage participation in waste diversion programs (recycling, leaf and yard and backyard composting). In the longer term, a container limit program can provide a transition to possible future user pay programs, and enables proper enforcement for regular offenders of the container limit.

Other factors that are considered in the implementation are the size of the municipality, mix of housing type, and special policy areas. In consideration of these factors it was determined that the introduction of a container limit program would require extensive research into the unique requirements of the City. The recommended approach provides a voluntary period in which additional information can be obtained from "on the street" experience to determine what will work best for this community. It also takes advantage of the public education impact of introducing the change in principle and maintaining the momentum that is expected with the recycling program changes. Additionally, if voluntary compliance is successful for Hamilton, introduction of fees and or fines may not be required.

In view of the December 2001 approval of the Solid Waste Management Master Plan and its diversion target of 65%, and the December 2002 closure of SWARU, it is vital to

the preservation of landfill capacity that the City consider aggressive measures to increase diversion. The present bag limit of six provides no incentive to divert waste.
A three container Limit

There are several advantages to implementing a voluntary three container limit for weekly residential garbage collection, including:

- It will reinforce the importance of waste diversion programs to residents.
- It provides an opportunity to consolidate the promotion of the container limit with the 2003-2004 Waste Collection Calendar together with other promotional and educational activities related to the new recycling program, leaf and yard waste collection and the household special waste program changes.
- A voluntary introduction of the program allows monitoring of the program to determine participation and the need to move toward enforcement or fees.
- A voluntary compliance period will enable staff to identify special policy areas, unique housing situations and areas that may have difficulty in achieving the three container limit due to circumstances beyond their control.

It is noted that in any option involving container limits, residents continue to have the ability to take waste to the Transfer Stations.

Risks associated with implementation of a limit is adverse reaction by those who perceive the change as a threat or reduction in service, working out logistics for implementation of a full container limit program and fees, and how to address special policy areas and unique areas of the City. The proposed program will minimize these risks by first taking a voluntary approach and focussing on education for those who are sceptical of the need change. The voluntary program will also provide the time necessary to review detailed logistics and how to address unique areas.

Recommended Option

The option recommended is a phased approach to full implementation. First, it is considered appropriate to proceed with a three container limit for curbside garbage collection. The opportunity to capitalize on the momentum of re-launching the recycling program with the new recycling contracts should not be lost. As previously indicated, information can also be included in the Waste Collection Calendar if a decision is made before the end of January 2003.

The limit would apply initially only to single family households. Additional information is required to determine how a program will work in multi-residential housing and commercial areas.

Containers in excess of three would be collected and notices left behind. The notice will provide information about why the limit is in place and how the amount of garbage could be reduced. The number of notices distributed will be monitored throughout the program to determine the level of compliance and identify areas that may require special attention.

In addition, exceptions can be made for spring and fall clean-ups and during holidays. These weeks should be specified so that they can be included on the waste collection calendar. It is recommended that in 2003 these weeks include May 20 to 24 (the week following Victoria Day), October 14 to 18 (the week following Thanksgiving) and

December 29 to January 3, 2004 (the week following Christmas). During these weeks, residents would be allowed to set out up to six containers for collection. These weeks would be monitored to document the waste collected and the need to continue this practice in future.

The implementation of the three container limit can be an integral part of the Communications Strategy for the recycling program changes that take effect March 31, 2003. Key messages to the public surrounding the container limits will be:

- Recycling and composting can effectively reduce your waste.
- We'll collect as much recyclable and leaf and yard waste that you can set out at the curb.
- Reducing your garbage to three or fewer containers will help us achieve 65% diversion from landfill and extend the life of the Glanbrook Landfill Site.

Compliance with the voluntary program will be monitored throughout 2003. During this time additional information will be gathered on how to address unique areas of the city including but not limited to special policy areas, student housing, low income housing, multi-residential and mixed use areas. The feasibility of moving toward enforcement and introduction of fees will be examined during this trial period. A report will be prepared for Council in early 2004 to recommend a plan for future steps based on the results of the voluntary period.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The Waste Diversion Act, approved in June of 2002, provides for the funding of up to 50% of a municipality's net blue box program costs, based on program efficiencies (quality and quality of material, marketability). To maximize the City's funding opportunities from the WDO, it is imperative that waste diversion programs such as the blue box program be enhanced. With the awarding of the new recycling contracts and additional acceptable recyclable materials, the need for residents to set out six containers is unnecessary, if the City is to maximize this funding opportunity and also to reach the 65% waste diversion target.

Implementation of a voluntary program can be done with existing resources.

POLICIES AFFECTING PROPOSAL:

The policies directly affecting a three container limit are those in the Solid Waste Management Master Plan. This program is consistent with and implements several recommendations of the Master Plan including:

- Recognizing that the Glanbrook Landfill is a valuable resource and that it is the City's responsibility to manage and preserve its capacity for residual materials that cannot be otherwise diverted;
- Contributing to the 65% waste diversion target by 2008;
- Supporting continuous improvement;

- Considering the potential need for a user-pay system to encourage waste diversion and fund the waste management activities; and
- Adopting flexible enforcement systems that become progressively rigorous as waste diversion systems come into operation, recognizing the socio-economic and cultural diversity of the City.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

The proposed three container limit has been discussed with the SWMMP Steering Committee and is in support of a voluntary program for 2003.

A number of Municipalities have been consulted regarding their implemented Container Limit and "Pay as you Throw" systems. References throughout this report refer to the Association of Recycling Coordinators (AMRC) 1996 data.

CITY STRATEGIC COMMITMENT:

Hamilton's Mission, Vision, Values and Goals Statement

The adoption of three container limits for weekly household waste collection would be consistent with Hamilton's Mission, Vision, Values and Goals Statement.

Reducing the amount of waste to landfill makes both economical and environmental sense, and encompasses policies, actions and behaviors that support the City's vision for "...a safe, healthy, sustainable community ....." The reduction and diversion of waste extends the life span of the landfill.

The program fulfils several of the goals for the City, including

- Reducing waste going to the landfill;
- Leading the way in environmental studies and management;
- Maintaining service levels; and
- Best practices - best value, providing residents with a fair level of service for good value, balancing service provision and programs with long term benefit to landfill life.

Sustainable Development – VISION 2020

Goals

A three container limit program is consistent with the goal of safely and responsibly managing waste and reducing the amount of waste generated by residents.

Strategies

Reducing the container limit from six to three containers per week aligns with several of the Strategies for a Sustainable Community for Reducing and Managing Waste, including a waste management plan which focuses on the reduction of curbside waste, providing alternatives to waste disposal through expanded diversion programs and encouraging participation.

Citizen Empowerment

Introducing a reduced container limit, and providing incentives to residents to rethink their waste generation habits empowers residents to take action. The introduction of the partial user pay program represents an attempt to make waste costs more visible and to encourage householders to take more responsibility for the wastes they generate.

Business Plan Process

The recommendations within this report align with the series of guidelines in place regarding the direction of the organization. The introduction of a voluntary three container limit introduces residents to the concept of container limits and their response will determine the need to move forward with enforcement, fees or a "Pay as you Throw" system.

"Appendix A"

Container Limits in Other Ontario Municipalities

Community	Population	Program Description
Markham	175,000	Three container limit
Peterborough	70,000	One container limit, partial user pay, additional containers $2.00
Barrie	100,000	Two container limit, partial user pay, additional containers $1.00
Niagara	425,700	Three container limit, partial user pay, additional containers $1.00, 2 container limit by April 2003
Peel	933,000	Three container limit
Orangeville	22,000	Three container limit
Orillia	38,100	Forty courtesy tags, partial user pay
Owen Sound	21,390	Three container limit (52 courtesy tags), additional containers $1.50
Kingston	226,000	Three container limit, partial user pay, additional containers $2.00
Sudbury	155,219	Three container limit

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MUNICIPAL DOCUMENT

City of Hamilton

AGENDA

COMMITTEE OF THE WHOLE 03-003

Tuesday, January 21, 2003

9:30 a.m.

Council Chamber
Hamilton City Hall
71 Main Street West
Hamilton, Ontario

Kevin C. Christenson
City Clerk

Please note: All cellular telephones and pagers to be switched to a non-audible function during Council and Committee meetings.

Agenda available on-line at www.hamilton.ca
(click on "City Government")

1. DECLARATIONS OF INTEREST

2. ADOPTION OF MINUTES

2.1 January 7, 2003

3. DELEGATION REQUESTS

None

4. CONSENT ITEMS

4.1 Customer Contact Centre Implementation of 2002 Budget Decisions (CSE02024(b)) (City Wide)

4.2 Stoney Creek Ravine Slope Re-Stabilization and Maintenance Chamber Protection Class Environmental Assessment (TOE03009) (Ward 5)

5. PRESENTATIONS

5.1 Chief Roberta Jamieson respecting First Nations Governance Act

DISCUSSION ITEMS

6. MAYOR'S OFFICE

6.1 Endorsement of Resolutions of the Federation of Canadian Municipalities Big City Mayors (MAY03001) (City Wide)

7. COMMUNITY SERVICES

7.1 2003 Slip Fee Rental Rate Increase (CS03003) (City Wide)

8. CORPORATE SECRETARIAT

None

9. ECONOMIC DEVELOPMENT

None

10. FINANCE AND CORPORATE SERVICES

10.1 City of Hamilton Compliance Requirements for Year 2003 - Community Reinvestment Funding Allocation (FCS03009)

10.2 Noise By-law (LS03003) (City Wide)

11. HUMAN RESOURCES

None

12. PLANNING AND DEVELOPMENT

None

13. SOCIAL AND PUBLIC HEALTH SERVICES

None

14. TRANSPORTATION, OPERATIONS AND ENVIRONMENT

14.1 Durham Road at Celtic Drive - All Way Stop Request (TOE03008) (Ward 10)

14.2 Award of Contract C11-109-02 - Repair to the Kenora Waste Transfer (TOE03012) - (City Wide Implications)

14.3 Lake Avenue and Queenston Road Eastbound Advance Green Signal Review (TOE03010) (Ward 5)

15. JOINT DEPARTMENTAL REPORTS

None

16. REPORTS BY SUB-COMMITTEES

None

17. REPORTS BY THE VOLUNTEER CO-ORDINATING COMMITTEES

None

18. ITEMS REFERRED BY CITY COUNCIL

None

19. MOTIONS

19.1 Motion by Councillor L. Dilanni respecting Privacy Complaint Report (File MC 020017-1)

20. NOTICES OF MOTIONS

None

21. GENERAL INFORMATION

None

22. PRIVATE AND CONFIDENTIAL

22.1 Emergency Resolution - CUPE 5167
22.2 Litigation Matter File #97-017
22.3 Litigation Matter File

23. ADJOURNMENT

OUTSTANDING BUSINESS

	Issue	Date Action Initiated	Lead Dept/Div	Status	Agenda Item
A.	Report on Colliers Recommendations – HECFI Facilities	March 28/01	Community Services		2002 - Q1
B.	Demolition of 226 Avondale Street	April 25/01	N/A		TABLED by Ward Councillor
C.	Toll for Red Hill Creek Expressway	Nov 21/01	TOE/Finance	Staff to bring a report back on option for tolling Red Hill Creek Expressway	Awaiting Provincial Regulations
D.	Spreading of Biosolids	Nov 21/01	Transportation and Environment	TABLED pending Staff report	
E.	Aquafit Seniors/Disabled Fees	March 5/02	Community Services	Staff to prepare critical analysis	
F.	Council Communication - Residential Care Facilities	Jan. 23/02	Social and Public Health Services	Referred to staff for comments	
G.	Strategy to attract Factory Outlet stores	Feb. 13/02/further updated on August 6/02	Economic Development	Staff to bring implementation plan to Committee	
H.	Strategy for prioritizing abandoned industrial and commercial warehouse structures	Feb. 13/02 Aug. 13/02 follow-up request made	CMT	Staff to bring implementation plan to Committee	
I.	Revenue issues regarding billings and chargebacks	HSC - February 20/27	Finance and Corporate Services	Referred to staff for a report back	December 2002

	Issue	Date Action Initiated	Lead Dept/Div	Status	Agenda Item
J.	Remuneration and Expenses	March 5/02	Finance and Corporate Services	Staff to report back in future reports highlighting offsetting revenues which create a net expenditure, consultation with Councillors, indication of expenses authorized as Council expenses	March 2003
K.	Pest Control	May 7/02	Planning and Development	Staff to report back on control of pests/rodents prior to demolition permit issued	
L.	Hannon Post Office	May 7/02	Corporate Secretariat	Staff to report back on possibility of address changes that align with telephone exchanges	
M.	Correspondence from Hamilton District Labour Council/HUC Corporation Position Paper	Apr. 30/02	F&CS and HUC	Staff to bring report back	
N.	HR Matters	May 7/02	Economic Development	Staff to report back	
O.	Municipal Tax Competitiveness Study	May 23/02	Finance and Corporate Services	Referred to a Future COW in September	Nov./02
P.	Options for returning profits - Hydro	June 10/02	Finance and Corporate Services	Staff to report back with options for returning profits	
Q.	Capital Program to modify mountable curb driveway approaches	July 2/02	TOE	Three sections tabled pending public consultation	

	Issue	Date Action Initiated	Lead Dept/Div	Status	Agenda Item
R.	Roles and Responsibilities of Committee of Adjustment	July 2/02	Planning and Development	Tabled pending further consultation with the community and report back on policy addressing political influence	
S.	Uncovered crossovers on highways	August 6/02	Risk Management and Legal	Staff to bring report back on uncovered crossovers on highways	
T.	Delivery of ambulance services, response times, standards, dispatch	August 6/02	Chief Peace	Staff to bring report back on status of delivery	
U.	Floating Casino - West Harbour	August 13/02	Legal Services	Staff to report back on feasibility of securing a casino license for floating casino	Nov./02
V.	Downtown cleanliness	August 13/02	TOE	Staff to report back on how much it cost to keep the downtown clean prior and during FCM	
W.	Correspondence from Mr. Reginald Beaudry respecting Tree Species List	Council Communication of September 11, 2002	Community Services	Staff to report back to Committee of the Whole as part of the Forestry Management Plan exercise	
X.	Hamilton Future Fund	Sept. 10/02	Finance and Corporate Services	Staff to provide monthly reports to Council and Trustee Panel on the approved projects to assist in monitoring	Ongoing

	Issue	Date Action Initiated	Lead Dept/Div	Status	Agenda Item
Y.	Services Review - City Maintenance Operations	Sept/10/02	City Manager	City Manager to provide ongoing and final reports to Council on behalf of the Services Review Committee	Ongoing
Z.	Fee Waiver Policy	Sept. 10/02	Community Services	Staff to report back as part of the annual budget on the extent to which the City subsidizes third party use	Budget Deliberations
AA.	Hamilton's Wastewater System	Sept. 17/02	TOE	Staff to investigate possible partnership re: dredging of the Windemere basin, Updates	
BB.	Subsection g) HMRF/HWRF Pension Administration Sub-Committee Report	Sept. 24/02	COW	Tabled pending delegation from Hamilton Police Association appearing at HSC	
CC.	By-law to regulate postering of signs on public property	Sept. 17/02	TOE & FCS	Staff to prepare by-law to regulate	
DD.					
EE.					

SECTION 2

2.1

Committee of the Whole

MINUTES

9:30 a.m.
Tuesday, January 7, 2003
Council Chambers
Hamilton City Hall
71 Main Street West, Hamilton

Present:	Mayor R. Wade Councillors A. Bain, D. Braden, M. Caplan, C. Collins, L. Dilanni, M. Ferguson, A. Horwath, T. Jackson, B. Kelly, S. Merulla, M. McCarthy, D. Mitchell, B. Morelli, R. Powers
Absent with regrets:	Councillor F. D'Amico -
Also Present:	R. Robertson, City Manager R. Rossini, Acting General Manager, Finance and Corporate Services S. Stewart, Acting General Manager, Transportation, Operation and Environment A. L. Heron, Executive Director, Corporate Secretariat N. Everson, Executive Director, Economic Development B. Fenwick, Acting General Manager, Community Services J. A. Priel, General Manager, Social and Public Health Services C. Graham, General Manager, Human Resources M. Gallagher, Co-ordinator, Council/Committee of the Whole C. Biggs, Legislative Assistant

Mayor R. Wade called the meeting to order.

THE FOLLOWING ITEMS WERE REFERRED TO CITY COUNCIL FOR CONSIDERATION:

1. **Monthly Status Report of Tenders and Requests for Proposals for November 2002 (FCS02014(k)) (City Wide) (Item 4.1)**

   That the Monthly Status Report of Tenders and Requests for Proposals for November 2002 as set out in Appendix 'A' to Report FCS02014(k) be received for information. **CARRIED.**

2. **Declaration of Surplus Lands, Block A, Plan M262, Immediately South of 922 Centre Road, Waterdown (CS03001) (Ward 15) (Item 4.2)**

   (a) That the City owned vacant lands identified as Block A, Plan M262 Centre Road, in the former municipality of Flamborough, now in the City of Hamilton, located immediately south of 922 Centre Road (Flamborough Centre Public School), comprising an area of approximately 1.319 hectares (3.26 acres), be declared surplus to the requirement of the City of Hamilton in accordance with the City of Hamilton Real Property Sale Procedural By-Law 95-049 and the former Town of Flamborough By-law No. 95-15-P;

   (b) That the Corporate Building and Real Estate Division be authorized and directed to sell the subject property in accordance with the Real Property Sale Procedural By-Law 95-049 and Item 21 of Report 01-029 of the Committee of the Whole approved by City Council on September 18, 2001 approving the Consolidation of Routine Real Estate Matters. **CARRIED.**

3. **Herbert Place and Marshboro Avenue - Intersection Control (TOE03001) (Ward 14) (Item 4.4)**

   (a) That southbound traffic on Herbert Place be required to stop for eastbound and westbound traffic on Marshboro Avenue;

   (b) That the attached by-law to amend City of Hamilton Traffic By-law 01-215 be approved and enacted. **CARRIED.**

4. **Stop Control Installation at Sundown Drive at Amore Boulevard (Ward 8) and Sidney Crescent at Highland Road (Ward 9) (TOE03002) (Item 4.5)**

(a) That the installation of southbound stop control at the "T" type intersection of Sundown Drive and Amore Boulevard be approved;

(b) That the Traffic By-law entry respecting the two intersections of Sidney Crescent and Highland Road be revised to differentiate the west intersection and east intersection;

(c) That the attached by-law to amend City of Hamilton Traffic By-law 01-215 be passed and enacted. **CARRIED.**

5. **To Incorporate Certain City Land into Various Streets by By-law (TOE03003) (Wards 8 and 12) (Item 4.6)**

(a) That the following City land be incorporated into the following streets:

Southridge Drive	Part 1 On Plan 62R-16315 Part 1 On Plan 62R-16016	W-12
Graywood Road	Blocks 30, 'DX' On Plan 62M-897, 62M-129	W-8
Meadowlands Boulevard	Part 1 On Plan 62R-16336	W-12
Stonehenge Drive	Block 84 On Plan 62M-895	W-12

(b) That the By-Laws to carry out the incorporation of the said land into the foregoing streets be prepared to the satisfaction of the Corporate Counsel and be enacted by Council.

(c) That the General Manager, Transportation, Operations and Environment, be authorized and directed to register the By-Laws. **CARRIED.**

6. **Concession Street Business Improvement Area (B.I.A.) - Proposed Budget and Schedule of Payment for 2003 (PD03002) (Ward 6 & 7) (Item 4.7)**

(a) That the 2003 operating budget for the Concession Street B.I.A. (attached to Report PD03002 as Appendix 'A') be approved in the amount of $49,000;

(b) That the General Manager of Finance and Corporate Services be hereby authorized and directed to prepare the requisite by-law pursuant to Section 220, The Municipal Act, R.S.O., 1990, to levy the 2003 budget as referenced in sub-section (a) above;

(c) That the following schedule of payments for 2003 be approved:

January	$12,250
April	$12,250
July	$12,250
October	$12,250

CARRIED.

Note: 2002 assessment appeals may be deducted from 2003 levy payments.

7. **Westdale Village Business Improvement Area (B.I.A.) - Proposed Budget and Schedule of Payment for 2003 (PD03004) (Ward 1) (Item 4.8)**

(a) That the 2003 operating budget for the Westdale Village B.I.A. (attached to Report PD03004 as Appendix 'A') be approved in the amount of $90,000;

(b) That the General Manager of Finance and Corporate Services be hereby authorized and directed to prepare the requisite by-law pursuant to Section 220, The Municipal Act, R.S.O., 1990, to levy the 2003 budget as referenced in sub-section (a) above;

(c) That the following schedule of payments for 2003 be approved:

January	$45,000
July	$45,000

CARRIED.

Note: 2002 assessment appeals may be deducted from 2003 levy payments.

8. **Barton Village Business Improvement Area (B.I.A.) - Proposed Budget and Schedule of Payment for 2003 (PD03005) (Ward 3) (Item 4.9)**

(a) That the 2003 operating budget for the Barton Village B.I.A. (attached as Appendix 'A' to Report PD03005) be approved in the amount of $27,012;

(b) That the 2003 levy portion of the operating budget for the Barton Village B.I.A. in the amount of $25,000 be approved;

(c) That the General Manager of Finance and Corporate Services be hereby authorized and directed to prepare the requisite by-law pursuant to Section 220, The Municipal Act, R.S.O., 1990, to levy the 2003 budget as referenced in sub-section (a) above;

(d) That the following schedule of payments for 2003 be approved:

January	$6,250
April	$6,250
July	$6,250
October	$6,250

CARRIED.

Note: 2002 assessment appeals may be deducted from 2003 levy payments.

9. **Downtown Hamilton Business Improvement Area (B.I.A.) - Revised Board of Management (PD03006) (Ward 2) (Item 4.10)**

That the following individual be appointed to the Downtown Hamilton B.I.A.'s Board of Management:

Tony Anderson, Dan Lawrie Insurance Brokers Ltd. - 105 Main Street East

CARRIED.

10. **Downtown Hamilton Business Improvement Area - Proposed budget and Schedule of Payment for 2003 (PD03017) (Affects Ward 2) (Item 4.11)**

(a) That the 2003 operating budget for the Downtown Hamilton B.I.A. (attached as Appendix "A" to Report PD03017) be approved in the amount of $174,300;

(b) That the 2003 levy portion of the operating budget for the Downtown Hamilton B.I.A. in the amount of $161,000 be approved;

(c) That the General Manager of Finance and Corporate Services be hereby authorized and directed to prepare the requisite by-law pursuant to Section 220, The Municipal Act, R.S.O., 1990, to levy the 2003 budget as referenced in sub-section (b) above;

(d) That the following schedule of payments for 2003 be approved:

January	$40,250
April	$40,250
July	$40,250
October	$40,250

CARRIED.

Note: 2002 assessment appeals may be deducted from 2003 levy payments.

11. Demolition Permit - 75 Beach Boulevard (PD03001) (Ward 5) (Item 4.12)

That the Director of Building and Licensing be authorized and directed to issue a demolition permit for 75 Beach Boulevard in accordance with By-Law 74-209 pursuant to Section 33 of The Planning Act as amended.

CARRIED.

12. Demolition Permit - 39 Dundurn Street South (PD03010) (Ward 1) (Item 4.13)

That the Director of Building and Licensing be authorized and directed to issue a demolition permit for 39 Dundurn Street South in accordance with By-Law 74-209 pursuant to Section 33 of The Planning Act as amended.

CARRIED.

13. Demolition Permit - 41 Dundurn Street South (PD03011) (Ward 1) (Item 4.14)

That the Director of Building and Licensing be authorized and directed to issue a demolition permit for 41 Dundurn Street South in accordance with By-Law 74-209 pursuant to Section 33 of The Planning Act as amended

CARRIED.

14. Demolition Permit - 47 Dundurn Street South (PD03012) (Ward 1) (Item 4.15)

That the Director of Building and Licensing be authorized and directed to issue a demolition permit for 47 Dundurn Street South in accordance with By-Law 74-209 pursuant to Section 33 of The Planning Act as amended.

CARRIED.

15. Demolition Permit - 49 Dundurn Street South (PD03013) (Ward 1) (Item 4.16)

That the Director of Building and Licensing be authorized and directed to issue a demolition permit for 49 Dundurn Street South in accordance with By-Law 74-209 pursuant to Section 33 of The Planning Act as amended.

CARRIED.

16. Recommendation to Designate 335 Lima Court (Harmony Hall) Under Part IV of the Ontario Heritage Act, in the former Town of Ancaster (PD03015) (Ward 12) (Item 4.17)

(a) That the request for designation by Jane Barrett and Joseph Beesack of 335 Lima Court, Ancaster, as a property of historic or architectural value or interest pursuant to the provisions of Part IV of the Ontario Heritage Act, 1990, be approved.

(b) That the Reasons for Designation attached as Appendix A to Report PD03015 be approved.

(c) That Counsel direct staff to take appropriate action to designate under Part IV of the Ontario Heritage Act in accordance with the Notice of Intention to Designate attached as Appendix B to Report PD03015.

CARRIED.

17. Ottawa Street business Improvement Area (B.I.A.) - Proposed Budget and Schedule of Payment for 2003 (PD03018) (Wards 3 & 4) (Item 4.18)

(a) That the 2003 Operating Budget for the Ottawa Street B.I.A. (attached to Report PD03018 as Appendix 'A') be approved in the amount of $101,250;

(b) That the 2003 levy portion of the Operating Budget for the Ottawa Street B.I.A. in the amount of $93,250 be approved;

(c) That the General Manager of Finance and Corporate Services be hereby authorized and directed to prepare the requisite by-law pursuant to Section 220, The Municipal Act, R.S.O., 1990, to levy the 2003 Budget as referenced in sub-section (b) above;

(d) That the following schedule of payments for 2003 be approved:

January	$23,312.50
April	$23,312.50
July	$23,312.50
October	$23,312.50

CARRIED.

Note: 2002 assessment appeals may be deducted from 2003 levy payments.

18. Commonwealth Games: Phase II, International Bid (CM02011) (Item 5.1)

That a one-time funding allocation of $350,000 be authorized from the 2003 Capital Budget to fund the City of Hamilton Commonwealth Games International Bid. **CARRIED.**

(Councillor M. McCarthy indicated that she wished to be recorded as being OPPOSED to this item.)

19. 2003 Advance Payments to External Boards and Agencies (FCS03006) (City Wide) (Item 10.2)

That, commencing January 1, 2003, the external boards and agencies as shown in Table One, which receive annual City funding, be advanced their funds at the same level and according to the same payment schedule as in 2002, pending the approval of the 2003 budget. **CARRIED.**

20. One-time Funding of Fire Vehicle Replacement Reserve Shortfall (FCS03005) (City Wide) (Item 10.3)

(a) That the Fire Vehicle Replacement Reserve deficit of $1,778,280 be funded from the segregated municipal capital reserves and development charge reserves as outlined in Appendix "A"

(b) That the projected increase in the Fire Vehicle Reserve Contribution from $672,600 to $1,000,000 be reviewed as part of the 2003 Budget Process. **CARRIED.**

21. Award of IP Telephony Contract – RFP #C6-14-02 (FCS03007) (City Wide) (Item 10.4)

(a) That Information Technology Services be authorized to award Proposal C6-14-02 for an IP Telephony Solution & Data Infrastructure Upgrade to Bell Canada;

(b) That the Mayor and City Clerk be authorized to execute the necessary documents in a form satisfactory to the City Counsel;

(c) That Information Technology Services be authorized to reduce the Direct In Dial numbers to a total of 300, with allocation as defined in the report;

(d) That Council approve a total capital authority for the IP Telephony project of $6.8M inclusive of contingency planning and disaster recovery and that it be funded as follows:

i) transfer of $1,250,000 from the Phase II Customer Contact Centre project; and
ii) transfer of $3,000,000 from the Enterprise Reserve Fund; and
iii) transfer of $ 625,000 from Transition Reserves; and
iv) transfer of $1,925,000 from the General Tax Capital Reserve. **CARRIED.**

22. Eligibility for Re-employment Policy (HUR03001) (Item 11.1)

That the Eligibility for Reemployment Policy, attached as Appendix "A" to Report HUR03001, be approved. **CARRIED.**

23. Ending of Contract with ACTION 2020 HAMILTON-WENTWORTH (PD03008) (City Wide) (Item 12.1)

(a) That Council approves ending the contract with ACTION 2020 HAMILTON-WENTWORTH, which expires December 31, 2003;

(b) That staff from the Planning and Development Department, Legal Services and Clerk's Sections be empowered to execute the necessary documents required to end the contract with ACTION 2020 HAMILTON-WENTWORTH which expires December 31, 2003;

(c) That staff be directed to pursue all opportunities to engage community participation in the VISION 2020 Renewal project currently scheduled for 2003, including the formation of a non-arm's length community advisory group on sustainable development.

CARRIED.

(Councillor A. Horwath indicated that she wished to be recorded as being OPPOSED to this item.)

24. Hamilton Residential Loan Program Loan Commitment - 91 Wellington Street North (PD03016) (Ward 2) (Item 12.2)

(a) That a loan to Valley Place Condominiums to redevelop 91 Wellington Street North be authorized in accordance with the terms of the Hamilton Downtown Residential Loan Program and specified in Appendix "A" to Report PD03016, for an amount of $290,000 to redevelop the above-mentioned property into a four (4) storey residential building containing twelve (12) residential units totalling approximately 14,500 square feet;

(b) That Legal Counsel be authorized and directed to prepare a Letter of Commitment authorizing such loan to Valley Place Condominiums, such letter to contain conditions and requirements of the City related to the advancement of the loan. **CARRIED.**

25. Request for All-Way Stop Control - Vineland Avenue and Spadina Avenue (TOE03006) (Ward 3) (Item 14.3)

(a) That the installation of an all-way stop control at the intersection of Vineland Avenue at Spadina Avenue, be approved;

(b) That the appropriate by-law to amend City of Hamilton Traffic By-law 01-215 be passed and enacted. **CARRIED, as amended.**

26. Burlington Lift Bridge Closure - Public Transit Implications (City Wide Implications) - (TOE03011) (Item 14.4)

(a) That Staff be directed to continue to operate the Route #11 Parkdale bus route modified service detour for the duration of the closure of the Burlington Lift Bridge at an upset limit of $75,000;

(b) That approval be conditional upon a minimum one-third cost recovery from either/both the City of Burlington and/or the Federal Government. In the event the City of Burlington declines to cost share, the service will be reduced to a peak-period only service immediately following a two-week public notification period.

CARRIED.

27. Computer Acceptable Use Policy (HUR02014/FCS02145) (City Wide) (Item 15.1)

(a) That the Computer Acceptable Use Policy attached as Appendix "A", be approved;

(b) That the following Policies be repealed:

- City of Hamilton, Computer Acceptable Use Policy – Revision 3, February 12, 2001
- Former City of Stoney Creek – Computer Software Policy CP-13-02, February 22, 1994
- Former City of Stoney Creek – Email and Internet Usage Policy CP-13-03, November 10, 1998
- Former Town of Dundas – Use of Philips P350 Computer, Policy No. 4.05, March 18, 1974
- Former Hamilton Street Railway Company Policy, No. HR1-2-15, April 4, 1994

CARRIED.

28. Hamilton Civic Golf Courses - 2003 Golf Operations Strategy (CS02090(a)) (City Wide) (Item 16.1)

(a) That the three Civic Golf courses be marketed and branded as distinct business units, with the Chedoke Martin representing the entry level market, the Chedoke Beddoe representing the core golfer market and the Kings Forest property representing the 'experience-driven' market, with quality and pricing being representative of their respective category;

(b) That a Pay as You Play pricing strategy be adopted in regard to the aforementioned categories and as outlined in ***Appendix A***, as attached to Report CS02090(a);

(c) That the Pay as You Play tee time reservation policy be revised to allow tee time bookings anytime throughout the season. NB: There is no change to the Membership tee time booking policies;

(d) That two payment plan options be adopted for Membership fees:

(i) four (4) post-dated monthly cheque payments beginning January 1 and running through to April 1; or

(ii) or one lump sum payment due and payable at the time of purchase.

(e) That the Junior and Intermediate age classifications be amended to re-align with industry standards, whereby the Junior age limit moves to 19 from 17 and Intermediate to 24 from 20 and subject to limitations of time and intermediates providing proof of enrolment in a post secondary institution;

(f) That a Junior tee time booking policy be adopted to allow for tee time bookings 24 hours in advance and that Junior 'block' times be established at various times throughout the week in order to encourage participation;

(g) That the Tournament rates for 2003 (including charitable events) remain consistent with the pricing strategy adopted by each golf course;

(h) That Report CS02090(a) respecting Hamilton Civic Golf Courses be adopted as a basis for a multi-year golf operations strategy.

29. Correspondence from John Gibson, President, Board of Directors, Tourism Hamilton respecting establishing a Task Force to address issues regarding the downtown (Item 18.1)

That staff of the Planning and Development Department be directed to bring a report back on the establishment of a task force to address the cleanliness and security in the downtown core, such report to include the Terms of Reference.

FOR THE INFORMATION OF COUNCIL:

(a) Declarations of Interest

Item 4.2 Declaration of Surplus Lands, Block A, Plan M262, Immediately South of 922 Centre Road, Waterdown (CS03001) (Ward 15) (Item 4.2)

Councillor M. McCarthy declared an interest as she has a potential interest in the purchase of the property.

(b) Minutes of December 10, 2002

The Minutes of December 10, 2002 were adopted as presented.

(c) Delegation Requests

The following delegation requests were approved for referral to the Hearings Sub-Committee:

3.1 Ms. Diane Vanden Hoven, Generation Now City Kidz respecting the City Kidz program

3.2 Mr. Alan Flint respecting Graffiti By-law

3.3 Mr. Chapman respecting the Development Charges and Building Permit Fees for the Hamilton Regional Cancer Centre

(d) The following report was tabled:

Sale of City Owned Property - 286 Sanford Avenue to Frederick Black Kenwell, in trust for a company to be incorporated (CS03002) (Ward 3) (Item 4.3)

(e) The following report was referred back to the General Manager, Finance and Corporate Services, for further discussions:

Royal Botanical Gardens Funding Formula (FCS03002) (City Wide) (Item 10.1)

(f) The following correspondence was referred to the General Manager of Human Resources for a report back to the next meeting of the Committee of the Whole:

Emergency Resolution received from G. Oliveira, President, CUPE Local 5167 respecting Wage Increase for CUPE Local 5167 bargaining unit employees

(Councillor A. Horwath indicated that she wished to be recorded as being OPPOSED to this item.)

(g) The following reports were referred to the Hearings Sub-Committee meeting on January 9, 2003:

(i) Proposed Advance Budget Reductions - Solid Waste Management (TOE03004) (City Wide) (Item 14.1)

(ii) Feasibility of Establishing a Three Container Limit for Residential Waste Collection (TOE03005) (City Wide) (Item 14.2)

Committee of the Whole received a staff presentation on these reports.

(h) Burlington Lift Bridge Closure - Public Transit Implications (City Wide Implications) - (TOE03011) (Item 14.4)

Sub-section (b) of the recommendations was amended to delete the 50% cost recovery and replace with one-third cost recovery.

(i) Hamilton Civic Golf Courses - 2003 Golf Operations Strategy (CS02090(a)) (City Wide) (Item 16.1)

A motion by Councillor Caplan to table the recommendations was defeated.

Note: The following motions are reference to the main motions as presented in Report CS02090(a) of the Golf Sub-Committee.

A motion by Councillor Mitchell, seconded by Councillor McCarthy, to add the following as sub-section (l):

"(l) That the Hamilton Civic Golf Course facilities be area rated."

was **DEFEATED** on the following recorded vote:

Yeas: Bain, Braden, McCarthy, Mitchell
Total Yeas: 4

Nays: Wade, Caplan, Collins, DiIanni, Horwath, Jackson, Merulla, Morelli, Powers
Total Nays: 9

Sub-sections (d), (e) and (h) will be presented to Council on January 8, 2003 for consideration.

Sub-sections (a), (b), (c), (f), (g), (l) and (j) **CARRIED** on the following recorded vote:

Yeas: Wade, Caplan, Collins, DiIanni, Horwath, Jackson, Merulla, Morelli, Powers
Total Yeas: 9
Nays: Bain, Braden, McCarthy, Mitchell
Total Nays: 4

Sub-section (k) **CARRIED** on the following recorded vote:

Yeas: Wade, Caplan, Collins, DiIanni, Horwath, Jackson, Merulla, Morelli
Total Yeas: 8
Nays: Bain, Braden, McCarthy, Mitchell, Powers
Total Nays: 5

(k) Motion by Councillor R. Powers respecting city staffing levels and user fees (Item 19.1)

Councillor Powers' motion was referred to the Committee of the Whole for discussion during budget deliberations.

(l) Notice of Motion – Councillor DiIanni
Re: information rec'd re: private complaint

The meeting adjourned at 1:30 p.m.

Respectfully submitted,

Mayor R. Wade

M. Gallagher, Co-ordinator

SECTION 3

SECTION 4

CITY WIDE IMPLICATIONS

CITY OF HAMILTON

4.1

CORPORATE SECRETARIAT
Customer Service Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Anne Louise Heron Executive Director
Date:	January 8, 2003	**Prepared by:**	Verna Radford x6155 Jane Lee x2654

SUBJECT: **Customer Contact Centre Implementation of 2002 Budget Decisions (CSE02024b) (City Wide)**

RECOMMENDATION:

That Report CSE02024b be received for information.

Anne Louise Heron

Anne Louise Heron, Executive Director
Corporate Secretariat

EXECUTIVE SUMMARY:

Staff reductions at the Customer Contact Centre required by the 2002 budget were completed as of December 31st and the number of permanent Customer Contact Centre Employees was reduced to 23. Call volumes have decreased slightly as compared to last year's number and service indicators show decreased service levels in the fourth quarter. Steps have been taken to adjust the duties and shifts to better enable the staff to handle the incoming calls and e-mails.

BACKGROUND:

During the 2002 budget deliberations, the staffing level at the Customer Contact Centre was reduced by 7 customer service representatives (from 30 to 23). A staff reduction plan was put in place and all employees were successful in finding alternate employment within the organization. In some instances this employment is temporary and as a result will require future placement in other permanent positions.

The Division, in conjunction with the Human Resources Department, provided training opportunities to all employees in this section on resume writing and interview skills. This training supplied employees with an opportunity to update resumes and upgrade their interview and job search skills.

Service Level Changes

As requested during budget deliberations, members of Council asked to be kept informed of the changes in service levels resulting from the reduction in staff.

Several factors contribute to the service levels at the Customer Contact Centre. Fewer staff available to handle calls and variation in call length contribute to changes in service levels.

The following is a comparison of the 2001 and 2002 call-handling results, reflecting the total calls coming into the Centre (calls offered), the number of calls handled in less than 20 seconds, the grade of service, the number and percentage of abandoned calls and the average speed of answer (ASA).

Quarter	Calls Offered	Calls Answered < 20 seconds	GOS *	Abandoned Calls	% Abandoned	Average Speed of Answer (seconds)
Jan – Mar	85,226	82,766	97%	466	.54%	2
Apr – June	117,719	109,760	93%	824	.70%	4
Jul – Sept	121,294	105,802	86%	1,793	1.48%	8
Oct – Dec	99,567	89,952	89%	1,240	1.25%	7
TOTAL YEAR 2001	**423,806**	**388,280**		**4,323**	**1.02%**	
Jan – Mar	95,273	91,783	96%	396	.41%	3
Apr – June	117,047	89,095	76%	3,631	3.10%	18
Jul – Sept	93,833	79,913	85%	1,514	1.60%	10
Oct-Dec	**74,691**	**63,936**	**86%**	**1,187**	**1.59%**	**10**
TOTAL Year 2002	**380,844**	**324,727**	**85%**	**6,728**	**1.77%**	

* GOS: Grade of Service =% of calls answered within 18 Seconds

The 10% decrease in the number of calls offered may be attributed to several items, including decrease in the number of tax calls, fewer new City of Hamilton program initiatives and less snowfall in the fourth quarter as compared to 2001.

Staffing level reductions and an increase in call length due to the complexity of answers of new program inquiries have resulted in a decrease in service levels for the centre. The average speed of answer in the first quarter of 2002 was three seconds in comparison to 18 seconds in the second quarter and 10 seconds in the third and fourth quarter of 2002. Customer response to the increased wait is indicated through the increase in abandoned calls to 6,728 in 2002.

The scope of work at the Customer Contact Centre has incrementally increased. All bulk garbage pick up, white goods pick up and accelerated water meter installations are now logged at the Centre. In addition, the Centre became involved in answering inquiries for several new and enhanced programs. These programs include the solid waste management master plan, universal and accelerated water meter installations, smoking by-law changes, heat alert and tax changes with respect to the elderly tax credit. In 2003 the Customer Contact Centre will also answer calls for Animal Control. The Customer Service Representatives have answered approximately 1,736 e-mail inquiries received from the info@city link posted on the City web site.

Service Implications

The full impact of the reduction in staffing will not be evident until the end of first quarter of 2003 when we have experienced a full quarter at the reduced staff level, and additional call volumes from Animal Control can be quantified. Regular performance reports will be provided to monitor performance levels.

To decrease the impact of the reduced number of customer service representatives, afternoon debriefings have been cancelled and replaced with a weekly employee meeting allowing for an additional forty five minutes on the phones for each Customer Service Representative during the week. In addition, as the staff continue in their positions, they have improved in their call-handling ability which has reduced the impact of the changes in staff levels.

ANALYSIS OF ALTERNATIVES:

N/A

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The number of Customer Service Representatives working at the Customer Contact Centre is 23 as of December 31st, 2002.

POLICIES AFFECTING PROPOSAL:

N/A

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

N/A

CITY STRATEGIC COMMITMENT:

The Customer Contact Centre provides the public with an opportunity to call one number for all services associated with the City of Hamilton and its partners, providing quality community customer service.

**AFFECTS
WARD 5**

CITY OF HAMILTON

4.2

TRANSPORTATION, OPERATIONS & ENVIRONMENT
Infrastructure & Environmental Planning

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Scott Stewart Acting General Manager
Date:	December 23, 2002	**Prepared by:**	Jillian Stephen Extension 6392

SUBJECT: **Stoney Creek Ravine Slope Re-Stabilization and Maintenance Chamber Protection Class Environmental Assessment (TOE03009) - (Ward 5)**

RECOMMENDATION:

(a) That the Acting General Manager, Transportation, Operations and Environment Department be authorized and directed to file the Class Environmental Assessment (EA) Project File Report for the Stoney Creek Ravine Slope Re-Stabilisation and Maintenance Chamber Protection Class EA with the Municipal Clerk for a thirty (30) day public review; and

(b) That upon completion of the Class EA process, the Acting General Manager, Transportation, Operations and Environment Department be directed to proceed with implementing the recommended mitigative measures.

Scott

Scott Stewart, Acting General Manager
Transportation, Operations & Environment

EXECUTIVE SUMMARY:

The Stoney Creek has over time gradually eroded its banks, altering its course such that two sanitary maintenance chambers, which are part of the trunk system, have become exposed. This erosion has been so extreme that one of the maintenance chambers is now near free standing which poses a risk to both the sanitary system (due to storm inflow) and the creek (due to sanitary effluent overflow).

In January 2002, Staff from the Infrastructure and Environmental Planning Division, Strategic Planning Section, initiated a Schedule B Class Environmental Assessment (EA) in order to ascertain the correct strategy for repairing the damage caused by the erosion and ensuring that it would not reoccur. During site visits it was also observed that the creek had begun to undercut a substantial embankment to the rear of the adjacent residential development. Staff expanded the scope of the project to include the rehabilitation/repair of this slope to ensure that the co-ordinated construction would limit the disturbance of the valley.

A public information centre was held October 8, 2002 at the Saltfleet Branch of the Hamilton Public Library. Five individuals attended this public information centre.

Throughout the project, Staff and the consultants have liased with the applicable federal/provincial agencies and the Hamilton Conservation Authority. During this consultation, it was identified that work in or adjacent to the creek would be restricted to the period from July 1 to September 15, to prevent possible damage during fish spawns. In order to ensure that construction occurs in a timely fashion and outside of the timing restrictions mentioned above, it is recommended:

a) That the Acting General Manager, Transportation, Operations and Environment Department be authorized and directed to file the EA Project File Report for the Stoney Creek Ravine Slope Re-Stabilisation and Maintenance Chamber Protection Class EA with the Municipal Clerk for a thirty (30) day public review; and

b) That upon completion of the Class EA process, the Acting General Manager, Transportation, Operations and Environment Department be directed to proceed with implementing the recommended mitigative measures.

BACKGROUND:

This study affects Ward 5. The study area is located in the Stoney Creek valley north of Queenston Road, between Bow Valley Drive and Strawberry Drive, within the boundaries of the Stoney Creek Ravine Environmentally Sensitive Area (ESA) and Natural Areas Inventory site (HAMI-62). The ESA is mostly hazard lands including active floodplain and steep slopes. The southern half of the ESA is surrounded by residential uses and local residents use the ravine for passive recreation.

A 1200mm diameter trunk sanitary sewer was constructed in the early 1980s parallel to the Stoney Creek watercourse. The sewer was set well back from the top of the creek wall. However, the creek has since altered its course significantly. In the study area, the creek has migrated so far to the east that two of the sanitary maintenance chambers are now exposed, including one that is nearly free-standing.

Study Process

The study has followed the Class EA process. The first steps included defining the existing conditions, preparing a problem statement (including both the exposed maintenance chambers and the slope re-stabilisation site) and formulating long-lists of alternatives. The alternatives on the long-list were evaluated based on five types of impacts: functional, biophysical environment, social, economic and constructability. From this screening, short-lists of alternatives were formulated. These alternatives were reviewed in greater detail in order to arrive at the preferred solution for the exposed maintenance chambers and slope stability issues.

Public Consultation

Public Consultation was undertaken as per the requirements of the Municipal Class EA process. A notice of study commencement appeared in both the Stoney Creek News and the Hamilton Spectator and interested parties were invited to comment on the study. A Public Information Centre was held October 8, 2002 to allow residents an opportunity to review and comment on the short-listed alternatives. In addition, Environmentally Sensitive Areas Impact Evaluation Group (ESAIEG) was consulted; a site visit and presentation to ESAIEG took place on September 12, 2002.

Environmental Assessment (EA) Process

A requirement of the Municipal Class Environmental Assessment Act, is that an EA report be prepared to document the planning process followed to determine the recommended actions to address the exposed maintenance chambers and slope stability situations. It is anticipated that the report will be filed early in January 2003.

The report is to be filed for a minimum of thirty (30) days with the Municipal Clerk. During this time, the public can review the report and provide additional comments.

If the City of Hamilton can address concerns raised by the public before the end of the 30 day review period, the project can then proceed to the design stage for these Schedule B projects. If there are outstanding issues at the end of the review period, members of the public can make a request to the Minister of the Environment to require the City to comply with Part II of the Environmental Assessment Act before proceeding with the next stage of the project. This type of request to the Minister of the Environment is often referred to as a “bump-up” request.

ANALYSIS OF ALTERNATIVES:

Five alternatives were included on the long-list of alternatives to address the exposed sanitary maintenance chambers: do nothing, realign maintenance chambers and sanitary sewer, revet/protect maintenance chambers in place, realign the watercourse or a combination of these alternative.

Three alternatives were on the long-list of options to address the slope stability issue: do nothing, keep the creek in its current location and construct a retaining wall to support the unstable valley wall, and realign the creek away from the valley wall and stabilise the valley wall by filling.

The subsequent short-listed alternatives to address the exposed maintenance chambers were “realign maintenance chambers and sanitary sewer” and “revet/protect maintenance chambers in place”. The short-listed alternative to address slope stability was “realign the creek away from the valley wall and stabilise the slope”. Estimated construction costs are:

- “realign maintenance chambers and sanitary sewer” and “realign the creek and stabilise the slope” - approximately $321,000.00, and
- “revet/protect maintenance chambers in place” and “realign the creek and stabilise the slope” - approximately $251,000.00.

The recommended solution is a "Revet/Protect Maintenance Chambers in Place" alternative to address the maintenance chambers exposures and a "realign the creek and stabilise the slope" alternative. This solution would allow for rehabilitation of the impacted areas and would directly address the causes of the erosion and scouring to prevent future occurrences.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial commitments to implement the preferred alternatives of the Class EA study are:

- Final Design: approximately $29,000.00 from Account 518026629 - Stoney Creek Erosion Rehab, approved in 2002 budget.
- Revet/protect maintenance chambers in place and slope stabilisation: approximately $300,000.00 from Account 518026629 - Stoney Creek Erosion Rehab, approved in 2002 budget.

POLICIES AFFECTING PROPOSAL:

Policies Affecting Proposal

- Alignment with Vision 2020: Ensure water quality in streams is generally good and that the water is clean and clear.
- Alignment with the City's Strategic Plan: A Healthy, Safe and Green City (Public Safety for the Community, with the Community)
- Regional Official Plan

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

The following external agencies were consulted as part of this study:

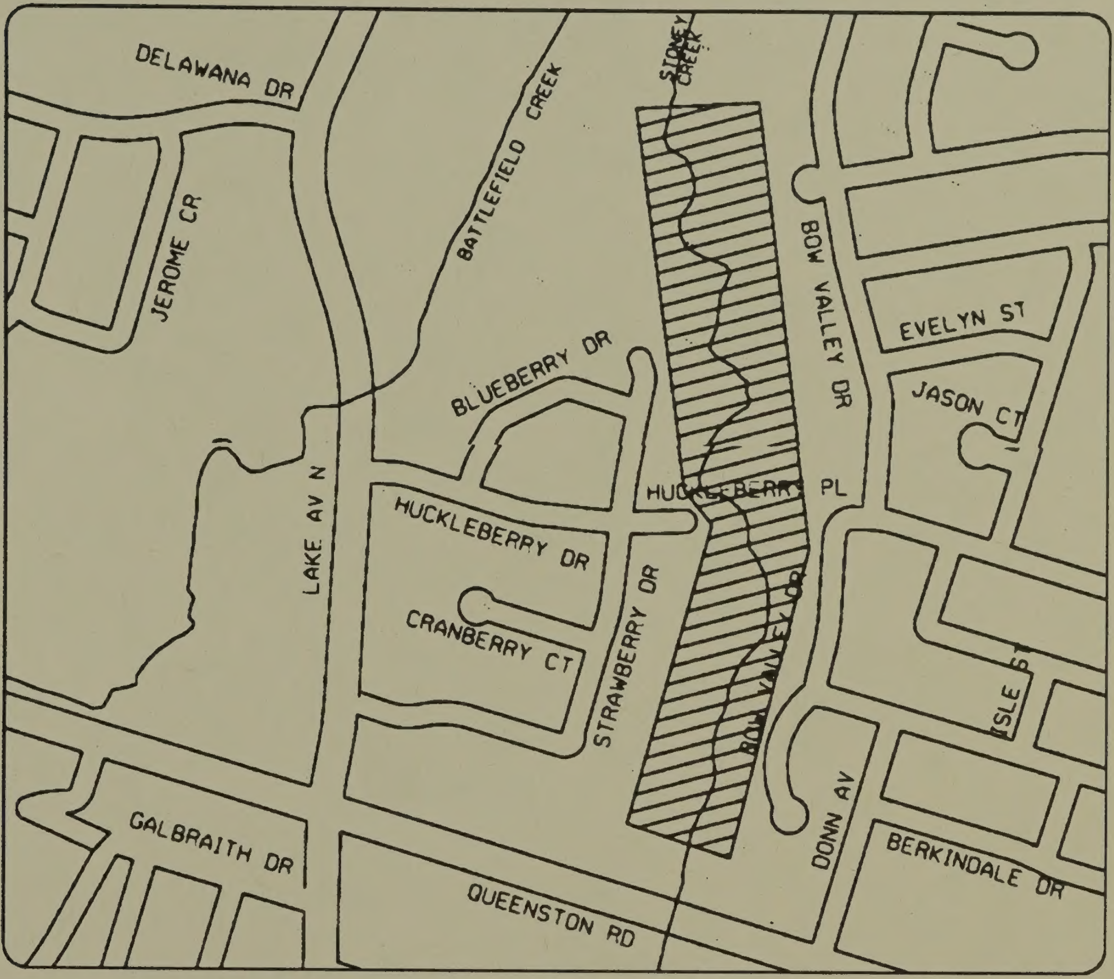
- Ministry of Natural Resources
- Department of Fisheries & Oceans
- Ministry of the Environment
- Hamilton Conservation Authority
- Environmentally Sensitive Areas Impact Evaluation Group (ESAIEG)

The following City departments either participated in the study or were consulted:

- Transportation, Operations & Environment - Strategic Planning (Project Management), Operational Planning, Wastewater Collection, Environmental Planning, and Road Operations & Maintenance
- Community Services - Open Space Development
- Planning & Development - Development Planning

CITY STRATEGIC COMMITMENT:

This project meets the City's strategic commitment to A Healthy, Safe and Green City by ensuring that municipal assets are properly managed and maintained.


DELAWANA DR
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HUCKLEBERRY DR
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ISLE ST
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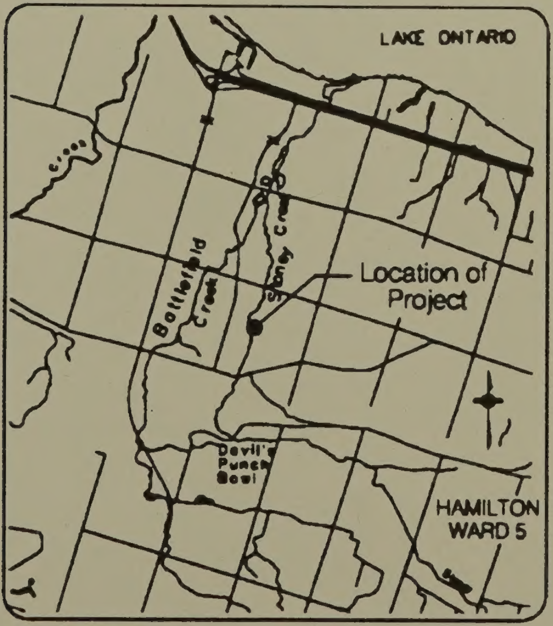

LAKE ONTARIO
Battlefield Creek
Stoney Creek
Location of Project
Devil's Punch Bowl
HAMILTON WARD 5

Location Plan

Stoney Creek Ravine Slope
Re-Stabilization and Maintenance
Chamber Protection
Class Environmental Assessment

CITY OF HAMILTON

TRANSPORTATION, OPERATIONS AND ENVIRONMENT

Legend

▨ Location of Project

Scale: NOT TO SCALE

Date: DECEMBER, 2002

SECTION 5

SECTION 6

CITY WIDE IMPLICATIONS

CITY OF HAMILTON

6.1

OFFICE OF THE MAYOR

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Robert E. Wade Mayor
Date:	January 6, 2003	**Prepared by:**	Tara-Lynne Franco (905) 546-4007

SUBJECT: **Endorsement of Resolutions of the Federation of Canadian Municipalities Big City Mayors (MAY03001) (City Wide)**

RECOMMENDATION:

a) That the City of Hamilton endorse the resolutions passed at the November 26, 2002 meeting of the Federation of Canadian Municipalities Big City Mayors Caucus (BCMC) attached as **Appendix A**.

b) That once approved, a copy of this report with a covering letter be sent to the:

- Prime Minister of Canada
- Prime Minister's Caucus Task Force on Urban Issues
- Federation of Canadian Municipalities and the Big City Mayors Caucus
- All area MPs and MPPs

for their information and action where appropriate.

c) That a letter from the Mayor and this report be sent to the Chambers of Commerce in the City of Hamilton with a request that they support the BCMC resolutions and that they indicate their support to the parties above.

d) That a letter from the Mayor and this report be sent to Halton Region and the Regional Municipality of Niagara with a request that they support the BCMC resolutions and that they indicate their support to the parties above.

Robert E. Wade
Mayor

EXECUTIVE SUMMARY:

The ***Federation of Canadian Municipalities (FCM) Big City Mayors Caucus (BCMC)*** met in Ottawa on November 26, 2002. The Mayors were in Ottawa as part of FCM's pre-budget campaign. The meeting of the BCMC wrapped up with a meeting with Toronto MP Judy Sgro, chair of the Prime Minister's Caucus Task Force on Urban Issues. The final report of the Task Force was released the week prior to this meeting. The purpose of this report is to endorse the resolutions that were passed by the FCM BCMC and ensure that the City of Hamilton's support for these resolutions and the recommendations and the Prime Minister's Caucus Task Force on Urban Issues are forwarded to the appropriate parties.

BACKGROUND:

The ***Federation of Canadian Municipalities (FCM) Big City Mayors Caucus (BCMC)*** met in Ottawa on November 25th and 26th, 2002. The Mayors were in Ottawa as part of FCM's pre-budget campaign. On November 26th they met with Toronto MP Judy Sgro, Chair of the Prime Minister's Caucus Task Force on Urban Issues.

Final Report of the Prime Minister's Caucus Task Force on Urban Issues

The Task Force's final report, "Canada's Urban Strategy: A Blueprint for Action", was released on November 19, 2002. This report (also referred to as the Sgro Report) calls on the Government of Canada to act on its commitment of the 2002 Throne Speech to implement an Urban Strategy for Canada. The final report confirmed the need for Federal action on a number of fronts: predictable funding for urban infrastructure, investments in sustainable transportation and transit and a continuing focus on affordable housing. The final report refines the directions contained in the Interim report and recommends three priority programs as "pillars" of the urban strategy:

- National Affordable Housing Program
- National Sustainable Infrastructure Program
- National Transit / Transportation Program

This report confirms what Hamilton and other municipalities have been saying for some time – if Canada and our provinces are to remain strong, it is necessary for our cities and urban areas to be strong. Cities, especially older ones like Hamilton, do not have the fiscal resources to invest in, and meet, all of their physical, social, cultural and environmental infrastructure needs. This level of investment can only be created through partnerships, not only between the levels of government, but with the private sector – something that was also confirmed in this final report.

These are areas that are of particular importance to Hamilton. We now need to see how the federal government will, as Judy Sgro describes in her covering letter to the report, "have the vision and courage to take the next steps on our journey".

The full report of the Prime Minister's Task Force on Urban Issues can be found at http://www.liberalparl.gc.ca/urb/BluePrint_English.pdf.

Big City Mayors Caucus

During the two-day meeting of the FCM BCMC there were six resolutions passed. These are listed in **Appendix A**. The resolutions build upon, and are consistent with, the FCM Budget Submission made to the Standing Committee on Finance on November 7, 2002 entitled A Partnership for Competitive Cities and Healthy Communities". This report is available on-line at http://www.fcm.ca.

The Mayors were fully supportive of the Prime Minister's Caucus Task Force on Urban Issues final report including the recommendation for the designation of a minister to champion urban issues in Cabinet. They also reiterated their earlier recommendation for the establishment of a Standing Cabinet Committee on Urban Issues.

In the BCMC's meeting with Sgro on November 26th, they explored options for funding of the program measures advocated by the Task Force. The Mayors were supportive of revenue sharing strategies used in other countries, particularly the U.S., where a portion of federal fuel taxes are dedicated to urban transportation investments.

ANALYSIS OF ALTERNATIVES:

N/A

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

POLICIES AFFECTING PROPOSAL:

N/A

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

The resolutions that the City is endorsing were developed by and approved by the Federation of Canadian Municipalities Big City Mayors Caucus, of which the City of Hamilton is a member.

CITY STRATEGIC COMMITMENT:

A Federal government commitment to an urban agenda and the creation of national programs for affordable housing, sustainable infrastructure, transit and transportation would assist the City of Hamilton in meeting many needs in these areas and assist us in achieving our vision of Hamilton as a “safe, healthy, sustainable community and a great place in which to work, live and play”. Specifically, sustainable funding in housing, infrastructure and transportation would better position the City to meet its strategic commitments in the areas of:

- investment in infrastructure
- attracting and retaining business
- developing partnerships with other levels of government
- supporting people in need with care
- investing in safe water for today and tomorrow
- municipal housing

Appendix A
Adopted Resolutions of the Federation of Canadian Municipalities Big City Mayors Caucus, November 26, 2002

MOTION
On a motion by Mayor Fennell, seconded by Mayor Chiarelli, it was proposed that the Sgro report and FCM BCMC Motions passed at the FCM BCMC meeting on November 26, 2002 be forwarded by FCM Administration with cover letter by FCM President Schmal to all Provincial/Territorial Premiers and specifically to Quebec, that the FCM BCMC also state that we recognize and respect the "Contract-de-Ville". CARRIED.

MOTION
On a motion by Mayor Bronconnier, seconded by Mayor Chiarelli, it was proposed that:

The FCM Big City Mayors Caucus endorse and support the program directions:

1. of a national affordable housing program
2. a national sustainable transit/transportation program
3. a national sustainable infrastructure program

as identified in the Final Report of the Prime Minister's Caucus Task Force on Urban Issues.

It was further proposed that the FCM Big City Mayors Caucus express that it thank Judy Sgro, M.P. and Chairperson of the Task Force for a job well done. CARRIED.

MOTION
On a motion by Mayor Hurst, seconded by Mayor Fiacco, it was proposed that 100 percent GST rebate for municipal government be an FCM BCMC top priority. CARRIED.

MOTION
On a motion by Mayor Smith, seconded by Mayor Kelly, it was proposed that the FCM BCMC endorse that a share of the federal fuel tax in the amount of 5 cent per litre become a municipal revenue source. CARRIED.

MOTION
On a motion by Mayor Chiarelli and seconded by Mayor Maddin, the following resolution was proposed:

WHEREAS the Prime Minister's Task Force on Urban Issues has recommended that designation of a Cabinet minister responsible for urban issues; and

WHEREAS the Federation of Canadian Municipalities also has a standing request for the establishment of a Standing Cabinet Committee on Urban Issues.

BE IT RESOLVED that the Prime Minister immediately designate a Cabinet minister to have responsibility to coordinate and manage urban issues and also immediately establish a Standing Committee of Cabinet on Urban Issues. CARRIED.

MOTION

On a motion by Mayor Kelly, seconded by Mayor Fennell, the following resolution was proposed:

WHEREAS 80 percent of Canadians now reside in urban centres; and

WHEREAS Canadian property taxes are not sufficient to support sustainable funding for housing, transportation, public transit and long term infrastructure needs; and

WHEREAS Canadians residing in urban areas are not willing to accept higher property taxes

BE IT RESOLVED that the Government of Canada ensure that the issues and recommendations of the final report of the Prime Minister's Task Force on Urban Issues be reflected in a concrete action plan in the 2003 Federal Budget.

BE IT FURTHER RESOLVED that the Government of Canada establish within Cabinet a coordination point for urban issues; and

BE IT FURTHER RESOLVED that the Big City Mayors Caucus form a sub-committee that will meet with the Federal Government to further the urban agenda. CARRIED.

SECTION 7

CITY WIDE IMPLICATIONS

7.1

CITY OF HAMILTON

COMMUNITY SERVICES
Parks Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	William E. Fenwick, A/General Manager
Date:	January 08, 2003	**Prepared by:**	Alan Dore 546-4334

SUBJECT: 2003 Slip Fee Rental Rate Increase (CS03003) (City Wide)

RECOMMENDATION:

That Council approve the 2003 marina slip rental fees at the City owned, Harbour West Marina, as proposed within report CS03003.

William E. Fenwick, A/General Manager
Community Services Department

EXECUTIVE SUMMARY:

Council, at its meeting of January 09, 2002 approved a 2% increase for slip rental fees for the 2002 boating season as contained in Committee of the Whole Report 02-001, Community Services Report CSW02003. Staff proposes a schedule of marina slip rental rates reflective of an increase of 3% for stern mooring and small/medium size boats, and an increase of 6% for large/extra-large boats to in part offset the rising cost of utilities. The recommended increases are reflective of the approved rate schedule for the Hamilton Port Authority for 2003.

BACKGROUND:

The City of Hamilton is in possession of 155 slips, which are managed by the Royal Hamilton Yacht Club. Slip occupancy for the 2002 season was estimated at approximately 66% (or 102 slips).

I. 2002 Slip Fees

Slip rental fees for the 2002 boating season were established and approved by Hamilton City Council (for the City owned slips) on January 09, 2002. Slip fees for the 2002 season were as follows:

Designation of Slip Size	Maximum Length of Boat Allowed	Summer Season
Stern Mooring		$1,557.00
Small	25 feet	$1,315.00
Medium	35 feet	$1,799.00
Large	45 feet	$2,164.00
Extra Large	By arrangement	$2,585.00

A hydro surcharge of 5% of slip fees per air conditioning unit was applied to all boats with air conditioning systems. A maximum of two air conditioning units was allowed per boat.

II. 2003 Slip Fees

The proposed rates for 2003 are as follows:

Designation of Slip Size	Maximum Length of Boat Allowed	Summer Season
Stern Mooring	N/A	$1,604.00
Small	25 feet	$1,354.00
Medium	35 feet	$1,853.00
Large	45 feet	$2,294.00
Extra Large	By arrangement	$2,740.00

A hydro surcharge of 5% of slip fees per air conditioning unit will be applied to all boats with air conditioning systems. A maximum of two air conditioning units will be allowed per boat.

ANALYSIS OF ALTERNATIVES:

Alternative rate increases may be considered at Council's direction.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

There are no staffing or legal implications associated with the approval and/or implementation of this recommendation.

Increased slip rental rates will positively impact marina revenues, and will aid in offsetting the rising cost of providing utility services.

POLICIES AFFECTING PROPOSAL:

There are no policies affected by this proposal.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

The Hamilton Port Authority, the Royal Hamilton Yacht Club, and management and staff from the Parks Division were consulted in the drafting of this report.

CITY STRATEGIC COMMITMENT:

The Harbour-West Marina provides recreational boating and related services to the citizens of Hamilton thereby encouraging leisure activity and enhancing quality of life. The presence of the marina on the waterfront also enhances the urban landscape and promotes economic development for both the boating community and the City as a whole. Increased fees will enhance revenue generation and maintain competition levels between the various service providers on the waterfront.

SECTION 8

SECTION 9

SECTION 10

CITY WIDE IMPLICATIONS

CITY OF HAMILTON

10.1

FINANCE & CORPORATE SERVICES DEPARTMENT
Budgets & Fiscal Policy

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Joseph L. Rinaldo, General Manager
Date:	January 6, 2003	**Prepared by:**	Anna Apkarian Ext 4152

SUBJECT: **City of Hamilton Compliance Requirements for Year 2003 Community Reinvestment Funding Allocation (CRF/LSR) - (FCS03009)**

RECOMMENDATION:

That the City of Hamilton declare intent to use the year 2003 CRF funding allocation of $23,780,000 for the benefit of taxpayers as follows:

(a) CRF funding of $21,867,000 to reduce the City's 2003 net levy requirements;

(b) CRF bonus funding of $1,913,000 to reduce tax clawbacks for protected property assessment classes under Bill 140 (The Continued Protection to Taypayers Act, 2000).

Joseph Rinaldo

Joseph L. Rinaldo, General Manager
Finance & Corporate Services

EXECUTIVE SUMMARY:

In effort to streamline the CRF reporting process, in 2001 the Province changed the reporting requirements for the CRF allocation, which resulted in the City of Hamilton requirement to submit annually a council resolution indicating intended use of the CRF allocation and agreement to the terms and conditions of acceptance. (Appendix "A") The 2003 deadline for council resolution submission is January 31, 2003. Failure to meet this deadline could result in withholding payment of CRF Allocation until the Province receives the required information.

BACKGROUND:

The Community Reinvestment Fund Base is a grant paid quarterly to eligible municipalities, as defined by the Province in its sole discretion, to offset the costs of services transferred to municipalities under the Local Services Realignment initiative. CRF Base Allocations are determined by a formula that calculates the difference between net LSR costs, as defined by the Province and available residential education tax room for each municipality, as defined by the Province.

In mid November 2001, the Ministers of Finance and Municipal Affairs & Housing informed Municipalities of the revised Municipal reporting requirements. Those requirements remain unchanged for 2003. In addition for 2003 the province introduced the CRF Stabilization Bonus which reflects CRF and 2002 restructuring assistance for amalgamated municipalities.

In 2002, the Province restored funding for transit capital. This normally would have reduced the CRF allocation, however, the Province maintained the CRF at 2001 levels for this component referring to this as a Transit Bonus. While benefiting Hamilton in the short term, there is no long-term commitment to maintain this bonus.

ANALYSIS OF ALTERNATIVES:

N/A

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The City of Hamilton's 2003 CRF allocation is $23,780,000, made up of the following components:

Base Allocation	$13,991,000
Transit Bonus	$7,272,000
CRF Bonus	$1,913,000
Stabilization Bonus	$ 604,000

The 2003 CRF allocation is a $1,318,000 increase over the 2002 budgeted allocation. In 2002, a total of $20,549,00 was applied to the tax levy and the CRF bonus of $1,913,000 was used to reduce Bill 140 clawbacks within the commercial property classes.

For 2003 staff recommend that the CRF base allocation of $13,991,000, the Transit Bonus allocation of $7,272,000 and the Stabilization Bonus of $604,000 for a total of $21,867,000 be applied to the 2003 tax net levy. Staff also recommend that the CRF Bonus of $1,913,000 continue to be used to reduce Bill 140 clawbacks within the protected property classes.

The following schedule illustrates the change in CRF Allocation for the City of Hamilton:

	2002 Revised CRF Allocation	2003 CRF Allocation
CRF Base Allocation	$13,991,000	$13,991,000
Plus: Transit Bonus	$7,272,000	$7,272,000
Plus: CRF Bonus	$1,913,000	$1,913,000
Plus: Stabilization Bonus		$604,000
Total CRF Funding	$23,176,000	$23,780,000

POLICIES AFFECTING PROPOSAL:

N/A

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

N/A

CITY STRATEGIC COMMITMENT:

One of the City of Hamilton's strategic commitments is the Business Tax Reduction Plan. The allocation of the $1,913,000 to reduce tax clawbacks for protected property assessment classes under Bill 140 brings us closer to moving towards the provincial average tax ratios. The use of the balance of $21,867,000 to reduce general tax rates improves our position among other municipalities for tax competitiveness.

APPENDIX "A"

Conditions of Community Reinvestment Fund Allocations

Acceptance of a CRF Allocation constitutes agreement with the following terms and conditions:

The CRF Allocation consists mainly of the CRF Base, as well as the CRF Bonus, Transit Bonus, Supplementary Assistance, and the newly created CRF Stabilization Fund.

The CRF Base is a grant paid quarterly to eligible municipalities, as defined by the Province in its sole discretion, to offset the costs of services transferred to municipalities under the LSR initiative. CRF Base Allocations are determined by a formula that calculates the difference between net LSR costs, as defined by the Province and available residential education tax room for each municipality, as defined by the Province.

Municipal councils ultimately decide how CRF Allocations (in total) are spent and/or used for the benefit of taxpayers. In making this decision, municipal council will be guided by their obligation to provide effective and efficient delivery of services to taxpayers. As with all budgetary decisions, municipal councils recognize that they are directly accountable to taxpayers for the use of CRF Allocations.

Municipalities are required to submit to the Ministry of Municipal Affairs & Housing:

(i) Council resolution declaring the municipality's:
  (a) intent to use the CRF Allocations they will receive for the benefit of taxpayers; and
  (b) acceptance of the CRF Allocations in accordance with these terms and conditions by January 31, 2003
(ii) their 2002 Financial Information Returns (FIRS) in accordance with the deadline to be set by MMAH; and
(iii) their 2003 tax rate by-laws by September 30, 2003

Failure to meet these deadlines may result in the withholding of CRF Allocations until these documents have been provided to the Province.

CITY WIDE IMPLICATIONS

10.2

CITY OF HAMILTON

CORPORATE SERVICES
Legal Services

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Rand Roszell, City Solicitor & Corporate Counsel
Date:	January 8, 2003	**Prepared by:**	Nancy Smith 905-546-4641

SUBJECT: Noise By-law (LS03003) (City Wide)

RECOMMENDATION:

1. That By-law 02-317 be repealed.
2. That the Noise By-law attached to this Report as Appendix 1 be approved and forwarded to Council for passage.

Rand Roszell, City Solicitor and Corporate Counsel

EXECUTIVE SUMMARY:

On November 13, 2002, Council passed By-law 02-317 being the Noise By-law. This By-law was passed subject to the approval of the Minister of Environment as required. To date, the Minister has not approved the By-law. Accordingly, this by-law remains inoperative.

As of January 1, 2003, municipal noise by-laws no longer require ministerial approval. To give effect to Council's intentions as outlined in By-law 02-317, the most prudent course is to repeal it and pass it again. In this way, the date of passage will be after the date that ministerial approval is no longer required and will create an operative by-law.

BACKGROUND:

On November 13, 2002, Council passed By-law 02-317 being the Noise By-law. This by-law was passed under two(2) legislative authorities:

- The *Environmental Protection Act,* R.S.O. 1990, c.E-19, as amended, Section 178
- The *Municipal Act,* R.S.O. 1990, c.M-45, as amended, Section 210, paragraph 138

Under Section 178 of the *Environmental Protection Act,* all municipal noise by-laws required approval of the Minister of Environment. By-law O2-317 was drafted to reflect these legislative authorities and approval requirements.

Effective January 1, 2003, Section 178 of the *Environmental Protection Act* was repealed. This means that ministerial approval is longer required for municipal noise by-laws.

By-law 02-317 has not been approved by the Minister. The Ministry of Environment has advised that given the elimination of the ministerial approval requirement, By-law 02-317 will not be forwarded to the Minister for approval. This by-law, therefore, remains inoperative.

Effective January 1, 2003, Section 210, paragraph 138 of the *Municipal Act* was repealed. The new legislative authority for noise by-laws is Section 129 of the *Municipal Act, 2001,* S.O. 2001, c.25 which permits municipalities to prohibit and regulate with respect to noise and vibration.

The best way to accommodate the legislative changes noted is to repeal By-law 02-317 and pass it again in its same form. The only changes would be the legislative references and removal of the ministerial approval requirement.

The Noise By-law with the required changes to reflect the new legislative references and the removal of the ministerial approval requirement is attached as Appendix 1. In all other respects, Appendix 1 is the same as By-law 02-317.

ANALYSIS OF ALTERNATIVES:

N/a

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/a

POLICIES AFFECTING PROPOSAL:

N/a

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

N/a

CITY STRATEGIC COMMITMENT:

N/a

Authority:

Bill No.

CITY OF HAMILTON

BY-LAW NO. ___________

To Regulate Noise

WHEREAS the City of Hamilton Act, 1999, Statute of Ontario, 1999 Chap. 14, Sched. C, did incorporate, as of January 1st, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to the following former area municipalities: The Corporation of the Town of Ancaster; The Corporation of the Town of Dundas; The Corporation of the Town of Flamborough; The Corporation of the Township of Glanbrook; The Corporation of the City of Hamilton; and The Corporation of the City of Stoney Creek;

AND WHEREAS the City of Hamilton Act, 1999, provides that the By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS the Municipal Act, 2001, S.O. 2001, Chapter 25, Section 129, as amended, authorizes municipalities to pass by-laws prohibiting or regulating with respect to noise and vibration;

AND WHEREAS it is desirable to prohibit or regulate undesired sound and vibration in order to produce a satisfactory acoustic environment wherein the character and magnitude of all sounds or vibrations are compatible with the permitted use of any premises;

AND WHEREAS this By-law shall be referred to as the "Noise By-law".

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

DEFINITIONS

1 (1) In this by-law, all words shall carry their customary meaning except as hereinafter stated.

(2) All definitions contained in **Publication - N.P.C.**-101 - Technical Definitions shall apply to this by-law. Where there is a conflict between the definition contained in **Publication - N.P.C.**-101 - Technical Definitions and the definition contained in Section 1(3) of this by-law, the by-law definition shall be applied.

(3) The following words shall have the following definitions:

(a) **Authorized Emergency Vehicle** includes any ambulance or hearse, any vehicle of the fire department, or of the local, provincial or federal police, any vehicle operated by or for the **City**, the Bell Telephone Company of Canada, the post office, the Hamilton Street Railway Company, armoured cars carrying cash, any public utility company or telegraph company while engaged in the **Construction**, maintenance or repair of a **Highway** or any equipment or facilities herein, and a snow plough or other maintenance vehicles of the Ministry of Transportation and Communications;

(b) **City** means the City of Hamilton;

(c) **Commercial Area** means the following zones or districts in the following by-laws:

(i) Former City of Hamilton Zoning By-law No. 6593

"G", "G-1", "G-2", "G-3", "G-4", "H", "HH", "I", "CR-1", "CR-2", "CR-3" and "U" Districts.

(ii) Former Town of Ancaster Zoning By-law No. 87-57

"C1", "C2", "C3", "C4", "C5", "VA", "HC" and "G" Zones.

(iii) Former Town of Dundas Zoning By-law No. 3581-86

"C.N", "C.SC", "C.A.C", "C.H", "C5" and "C6" Zones.

(iv) Former Town of Flamborough Zoning By-law No. 90-145-Z

"BD", "UC", "NC", "SC", "HC" and "AC" Zones.

(v) Former Township of Glanbrook Zoning By-law No. 464

"C1", "C2", "C3", "C4", "C5" and "C6" Zones.

(vi) Former City of Stoney Creek Zoning By-law No. 3692-92

"LC", "GC", "CS", "CA1", "CA2", "HC", "MUC", "SC1", "SC2" and "RC" Zones.

(d) **Construction** includes erection, alteration, repair, dismantling, demolition, structural maintenance, painting, moving, land clearing, earth moving, grading, excavating, the laying of pipe and conduit whether above or below ground level, street and **Highway** building, concreting, equipment installation and alteration and the structural installation of construction components and materials in any form or for any purpose, and includes any work in connection therewith;

(e) **Construction Equipment** means any equipment or device designed and intended for use in **Construction**, or material handling, including but not limited to, air compressors, pile drivers, pneumatic or hydraulic tools, bulldozers, tractors, excavators, trenchers, cranes, derricks, loaders, scrapers, pavers, generators, off-**Highway** haulers or trucks, ditchers, compactors and rollers, pumps, concrete mixers, graders, or other material handling equipment;

(f) **Construction Site** means the area or portion of land used for **Construction** or any other area used for any purpose related to the **Construction** or for any related purpose;

(g) **Conveyance** includes a vehicle and any other device used to transport a person or goods from place to place but does not include any vehicle or device operated only within the premises of a person;

(h) **Council** means the council of the City of Hamilton;

(i) **Highway** includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle designed and intended for or used by the public for the passage of vehicles;

(j) **Industrial Area** means the following zones or districts in the following by-laws:

(i) Former City of Hamilton Zoning By-law No. 6593:

"J", "JJ", J3", "K", "KK",”M-11”,”M-12”,”M-13”,”M-14” and “M-15” Districts save and except those lands identified on the Map attached hereto as Schedule 2, which Schedule forms part of this By-law.

(ii) Former Town of Ancaster Zoning By-law No. 87-57:

"M1", "M2", "M3", "M4", "M5" and "M6" Zones

(iii) Former Town of Dundas Zoning By-law No. 3581-86:

"I.L", "I.G" and "I.LS" Zones

(iv) Former Town of Flamborough Zoning By-law No. 90-145-Z

“EI”,"M1", "M2" and "M3" Zones.

(v) Former Township of Glanbrook Zoning By-law No. 464:

"M1", "M2", "M3", "M4", "M5", "M6", "M7" and "M8" Zones.

(vi) Former **City** of Stoney Creek Zoning By-law No. 3692-92:

"MS", "MP", "MT", "MG", "MSP", "MBP", "ME" and "MR" Zones, save and except those lands identified on the Map attached hereto as Schedule 2, which Schedule forms part of this By-law.

(k) **Minister** means the Minister of the Environment;

(l) **Ministry** means the Ministry of the Environment;

(m) **Motor Vehicle** means any motorized conveyance and includes an automobile, motorcycle and any other vehicle propelled or driven otherwise than by muscular power, but does not include the cars of electric or steam railways, or other Motor Vehicle running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road building machine within the meaning of the Highway Traffic Act;

(n) **Municipality** means the land within the geographic limit of the City of Hamilton;

(o) **Noise** means unwanted sound;

(p) **Point of Reception** means any point on a premises of a person where sound or vibration originating from other than those premises is received;

(q) **Publication - N.P.C.** means a specified publication of the Noise Pollution Control Section of the Pollution Control Branch of the Ministry of the Environment as follows, and attached hereto as Schedule 1, which Schedule forms part of this By-law:

Publication – N.P.C. 101 – Technical Definitions

Publication – N.P.C. 102 - Instrumentation

Publication – N.P.C. 103 – Procedures

Publication – N.P.C. 104 – Sound Level Adjustments

Publication – N.P.C. 115 – Construction Equipment

Publication – N.P.C. 119 – Blasting

Publication – N.P.C. 205 – Sound Level Limits for Stationary Sources in Class 1 and 2 Areas (Urban)

Publication – N.P.C. 216 – Residential Air Conditioning Devices

Publication – N.P.C. 206 – Sound Levels of Road Traffic

Publication – N.P.C. 232 – Sound Level Limits for Stationary Sources in Class 3 Areas (Rural)

Publication – N.P.C. 233 – Information to be Submitted for Approval of Stationary Sources of Sound

(r) **Quiet Area** means the lands and premises at the following locations:

Henderson General Hospital

Hamilton General Hospital

Chedoke Hospital

St. Joseph's Hospital

McMaster Hospital

St. Peter's Infirmary

Macassa Lodge

(s) **Residential Area** means the following zones or districts in the following by-laws:

(i) City of Hamilton Zoning By-law No. 6593:

"A", "AA", "B", "B1", "B2", "C", "D", "DE", "DE-2", "DE-3", "E", "E-1", "E-2", "E-3", "RT-10", "RT-20" and "RT-30" Districts.

(ii) Town of Ancaster Zoning By-law No. 87-57:

"ER", "R1", "R2", "R3", "R4", "R5", "RM1", "RM2", "RM3", "RM4", "RM5", "RM6" and "RH" Zones.

(iii) Town of Dundas Zoning By-law No. 3581-86:

"R1", "R2", "R3", "R4", "RM1", "RM2", "RM3", "RM4" and "RCC" Zones.

(iv) Town of Flamborough Zoning By-law No. 90-145-Z:

"R1", "R2", "R3", "R4", "R5", "R6", "R7", "R8" and "R9" Zones.

(v) The Corporation of Township of Glanbrook Zoning By-law No. 464:

"ER", "R1", "R2", "R3", "R4", "RM1", "RM2", "RM3", "RM4", "RH" and "RE" Zones.

(vi) City of Stoney Creek Zoning By-law No. 3692-92:

"R1", "R2", "R3", "R4", "R5", "R6", "RM1", "RM2", "RM3", "RM4" and "RM5" Zones.

(t) **Source of Sound** means an activity, matter, thing, or tangible personal property or real property, from which sound or vibration is emitted;

(u) **Stationary Source** means a **Source of Sound** which does not normally move from place to place unless the dominant **Source** on the premises is **Construction Equipment** or a **Conveyance**;

GENERAL PROHIBITIONS

2 No person shall emit or cause or permit the emission of sound likely to disturb another between 9:00 pm and 7:00 am of the following day.

3 No person shall emit or cause or permit the emission of sound resulting from the following which sound is clearly audible at a **Point of Reception**:

(1) The operation of any electronic device or group of connected electronic devices incorporating one or more loudspeakers or other electro-mechanical transducers, and intended for the production, reproduction or amplification of sound.

(2) Racing of any **Motor Vehicle** other than in a racing event regulated by law.

(3) The operation of a **Motor Vehicle** in such a way that the tires squeal.

(4) The operation of any combustion engine without an effective exhaust-muffling device in good working order and in constant operation.

(5) The operation of a **Motor Vehicle** or a **Motor Vehicle** with a trailer resulting in banging, clanking, squealing or other like sounds due to improperly secured load or equipment, or inadequate maintenance.

(6) The operation of an engine or motor in, or on, any **Motor Vehicle** or item of attached auxiliary equipment for a continuous period exceeding five minutes, while such vehicle is stationary in a **Residential Area** or a **Quiet Area**, unless;

(a) the vehicle is in an enclosed structure constructed so as to effectively prevent excessive **Noise** emission; or,

(b) the original equipment manufacturer specifically recommends a longer idling period for normal and efficient operation of the **Motor Vehicle** in which case such recommended period shall not be exceeded; or,

(c) operation of such engine or motor is essential to a basic function of the vehicle or equipment, including but not limited to, operation of ready-mixed concrete trucks, lift platforms or refuse compactors and heat exchange systems; or,

(d) weather conditions justify the use of heating or refrigerating systems powered by the motor or engine for the safety and welfare of the operator, passengers or animals, or the preservation of perishable cargo; or

(e) prevailing low temperatures make longer idling periods necessary, immediately after starting the motor or engine; or,

(f) the idling is for the purpose of cleaning and flushing the radiator and associated circulation system for seasonal change of antifreeze, cleaning of the fuel system, carburettor or the like, when such work is performed other than for profit.

(7) The operation of a **Motor Vehicle** horn or other warning device except where required or authorized by law or in accordance with good safety practices.

(8) The operation of any item of **Construction Equipment** in a **Quiet Area** without effective muffling devices in good working order and in constant operation.

PROHIBITIONS BY TIME AND PLACE

4 No person shall emit or cause or permit the emission of sound resulting from the following which sound is clearly audible at a **Point of Reception** located in **Quiet Areas** (at any time) or in **Residential Areas** (at any time):

(1) Barking dog or any other sound made by a dog.

5 No person shall emit or cause or permit the emission of sound resulting from the following which sound is clearly audible at a **Point of Reception** located in **Quiet Areas** (at any time) or in **Residential Areas** (between 9:00 pm – 7:00 am):

(1) The operation of any auditory signalling device, including but not limited to the ringing of bells or gongs and the blowing of horns or sirens or whistles, or the production, reproduction or amplification of any similar sounds by electronic means except where required or authorized by-law or in accordance with good safety practices.

(2) The operation of a combustion engine which is used or is intended for use in a toy or a model or replica of a larger device, which model or replica has no function other than amusement and which is not a **Conveyance.**

(3) The operation of any powered rail car including but not limited to refrigeration cars, locomotives or self-propelled passenger cars, while stationary on property not owned or controlled by a railway governed by The Canada Railway Act.

(4) The operation of any **Motor Vehicle** other than on a **Highway** or other place intended for its operation.

(5) All selling or advertising by shouting out-cry or amplified sound.

(6) The venting, release or pressure relief of air, steam, or other gaseous mate[illegible] product or compound from any autoclave, boiler, pressure vessel, pipe, valve,

machine, device or system.

(7) The operation of a power assisted hang glider or a parafoil.

6 No person shall emit or cause or permit the emission of sound resulting from the following which sound is clearly audible at a **Point of Reception** located in **Quiet Areas** (at any time) or in **Residential Areas** (between 11:00 pm – 7:00 am):

(1) The detonation of fireworks or explosive devices.

7 No person shall emit or cause or permit the emission of sound resulting from the following which sound is clearly audible at a **Point of Reception** located in **Quiet Areas** (7:00 pm – 7:00 am) or **Residential Areas** (7:00 pm – 7:00 am):

(1) The operation of a commercial car wash with air drying equipment.

(2) The operation of **Construction Equipment** in connection with **Construction.**

(3) The operation of any powered or non-powered tool for purposes other than snow removal.

8 No person shall emit or cause or permit the emission of sound resulting from the following which sound is clearly audible at a **Point of Reception** located in **Quiet Areas** (between 9:00 pm – 7:00 am) or in **Residential Areas** (between 11:00 pm – 7:00 am):

(1) Loading, unloading, delivering, packing, unpacking, or otherwise handling any containers, produce, materials, or refuse whatsoever.

9 No person shall emit or cause or permit the emission of sound resulting from the operation of a sound emitting pest control device between dusk and dawn.

10 No person shall emit or cause or permit the emission of sound resulting from the use of, any electronic device or group of connected electronic devices incorporating one or more loudspeakers, or other electro-mechanical transducers, and intended for the production, reproduction or amplification of sound outdoors between 11:00pm and 7:00am of the following day.

MEASURED NOISE PROHIBITIONS

11 No person shall emit or cause or permit the emission of sound resulting from:

(1) a **Stationary Source** such that the level of resultant sound at a **Point of Reception** exceeds the applicable sound level limit prescribed in:

(a) **Publication - N.P.C.** 205 – Sound Level Limits for Stationary Sources in Class 1 and 2 Areas (Urban);

(b) **Publication – N.P.C.** 119 – Blasting; or

(c) **Publication – N.P.C.** 216 – Residential Air Conditioning Devices.

(d) **Publication - N.P.C.** 232 – Sound Level Limits for Stationary Sources in Class 3 Areas (Rural);

(2) **Construction Equipment** such that the level of resultant sound at a **Point of Reception** exceeds the applicable sound level limit prescribed in **Publication – N.P.C.** 115 – Construction Equipment.

EXEMPTIONS

12 Notwithstanding any other provision of this by-law, this by-law shall not apply to a person who emits or causes or permits the emission of sound in connection with:

(1) Any activity carried on at Ivor Wynne Stadium.

(2) Any activity that is lawfully carried on pursuant to a Special Event Permit issued by the **City** subject to any conditions imposed as a condition of the Special Event Permit and subject to the following conditions (where there is a conflict between a condition imposed under the Special Event Permit and here, the condition imposed under the Special Event Permit shall prevail):

(a) A breach of any of the conditions imposed by this Section shall nullify the exemption granted by this Section;

(b) A Municipal Law Enforcement Officer shall monitor the activity, at the expense of the Special Event Permit Holder, if deemed appropriate by the Manager if Licensing and Standards, or his/her designate;

(c) Any sound created by the activity shall not begin before 11:00 am and shall end at 12:00 midnight on all days of the week, except Sunday , when the sound shall not begin before 12:00 noon and shall end at 10:00 pm; and

(d) Any sound created by the activity shall not exceed 90 dba to be determined 10 metres from the **Source of Sound**.

(3) Any activity, where the person has been granted an exemption by the **City** under Section 15 subject to any conditions imposed as a condition of the exemption and subject to the following conditions:

(a) A breach of any of the conditions imposed by this Section shall nullify the exemption granted by this Section.

(4) Any of the following activities:

(a) Operation of **Authorized Emergency Vehicles**;

(b) Undertaking emergency measures for the immediate health, safety or welfare of any person or the preservation or restoration of property;

(c) Operation of machines or equipment by or on behalf of the City for emergency purposes;

(d) Operation of bells, tones or whistles utilized as traffic control devices including those at traffic signal locations and railway crossings;

(e) Operation of snow removal equipment while in the operation of snow removal.

(f) A normal farm practice carried on as part of an agricultural operation under the Farming and Food Productions Protection Act, 1998, S.O. 1998, c-1.

(g) Any activity that is integral to the operations of an airport as such.

13 Notwithstanding any other provision of this by-law, Sections 2, 3, 4, 5, 6, 7, 8, 9 and 10 of this by-law shall not apply where the **Source of Sound** is in an Industrial Area.

14 Notwithstanding any other provision of this by-law, Sections 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 of this by-law shall not apply where:

(1) the **Source of Sound** is an industrial use within the area identified on the Map attached hereto as Schedule 2, which Schedule forms part of this By-law; and

(2) the **Point of Reception** is within the area identified on the Map attached hereto as Schedule 2, which Schedule forms part of this By-law.

15 (1) The **Council** may, upon application by any person,

(a) exempt the applicant; or

(b) exempt the applicant on such terms and conditions as it may determine; or

(c) refuse to grant any exemption,

from any provision of this by-law.

(2) An exemption shall specify the period of time during which the exemption is in effect and may be made upon such terms and conditions as **Council** requires.

(3) An application for an exemption under this Section shall be made in the form required by the Manager of Building and Licencing or his/her designate and shall pay any fee required by law.

ENFORCEMENT AND ADMINISTRATION

16 **Council** may appoint such Municipal Law Enforcement Officers as are necessary for the purpose of enforcing this by-law.

17 Any person who contravenes any provision of this by-law is guilty of an offence and upon conviction, is liable to the penalty specified by the *Provincial Offences Act*, R.S.O. 1990, Chapter P.33, as amended.

18 The following By-laws are hereby repealed: The Corporation of the City of Hamilton By-law No. 79-292 and all amendments thereto, Town of Ancaster By-law No. 89-109 and all amendments thereto, Town of Dundas By-law No.'s 3080-79 and 3055-78 and all amendments thereto, Town of Flamborough By-law No. 89-164-N and all amendments thereto, the Corporation of the Township of Glanbrook By-law No. 490-93 and all amendments thereto, the Corporation of the City of Stoney Creek By-law No. 676-78 and all amendments thereto, and City of Hamilton By-law 02-317 and all amendments thereto.

19 Administration of this by-law shall be by the staff of the Building and Licensing Division of the Planning and Development Department of the City.

PASSED AND ENACTED this day of , 2003.

Clerk

Mayor

SECTION 11

SECTION 12

SECTION 13

SECTION 14

AFFECTS WARD 10

CITY OF HAMILTON

14.1

TRANSPORTATION, OPERATIONS & ENVIRONMENT
Roads & Traffic

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Scott Stewart Acting General Manager
Date:	December 23, 2002	**Prepared by:**	T. Clayton Extension 5675

SUBJECT: **Durham Road at Celtic Drive - All-Way Stop Request (TOE03008) - (Ward 10)**

RECOMMENDATION:

That the existing eastbound and westbound stop control on Celtic Drive at Durham Road be retained.

Scott Stewart, Acting General Manager
Transportation, Operations & Environment

EXECUTIVE SUMMARY:

Councillor Larry Di Ianni has requested that all-way stop control be implemented at the intersection of Celtic Drive and Durham Road, in an effort to reduce the speed of the traffic on Durham Road.

The intersection is a four-leg intersection where the eastbound and westbound traffic on Celtic is required to stop for the northbound and southbound traffic on Durham. Records indicate that there have been no reported collisions at this intersection in the past five years, which is an excellent collision record and could not be improved upon by the implementation of an all-way stop control.

The intersection was analysed subject to the City Council approved all-way stop control policy criteria. The location does not warrant an all-way stop control based on the following factors:

- no collision history
- no sight line issues
- low vehicle volumes
- no pedestrian crossing volumes
- close proximity to existing stop control intersection

- low operating speed

Implementing an all-way stop on this section of Durham contradicts the City of Hamilton policy. Therefore, it is not recommended that all-way stop control be implemented at the intersection of Durham and Celtic.

BACKGROUND:

The operating (85th percentile) speed on Durham, based on a twenty-four hour study, was 42 km/h with a measured twenty-four hour traffic volume of 960 vehicles. All-way stops are not a recommended solution for speed issues, as they tend to unnecessarily restrict traffic flow, which can lead to driver frustration and an overall disrespect for stop signs in general. Since the operating speed of this roadway is low to begin with and only fifteen percent of the traffic is travelling over 42 km/h, the implementation of an all-way stop will have no effect on the operating speed. There are also negative effects on the surrounding environment in the form of increased air and noise pollution. Given that the subject intersection did not meet the City of Hamilton Council approved conditions, the all-way stop control is not recommended.

Records indicate that there have been no reported collisions at the subject intersection in the past five years. This is an excellent collision record, which could not be improved upon by the implementation of all-way stop control. Additional stop controls on Durham Road will increase response times by emergency vehicles.

Therefore, in view of the above, it is recommended that the existing eastbound and westbound stop control on Celtic Drive at Durham Road be retained.

ANALYSIS OF ALTERNATIVES:

The following options are available to the resident to address concerns regarding motorists' poor driving habits:

- participate in the Neighbourhood Speed Watch Program
- report aggressive drivers to the Hamilton Police Services Road Rage Hotline
- request enforcement from the Hamilton Police Services

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

POLICIES AFFECTING PROPOSAL:

All-way stop control at the subject intersection is not supported by the City Council approved policy entitled the "Installation Policy for All-way Stop Control at Intersections".

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

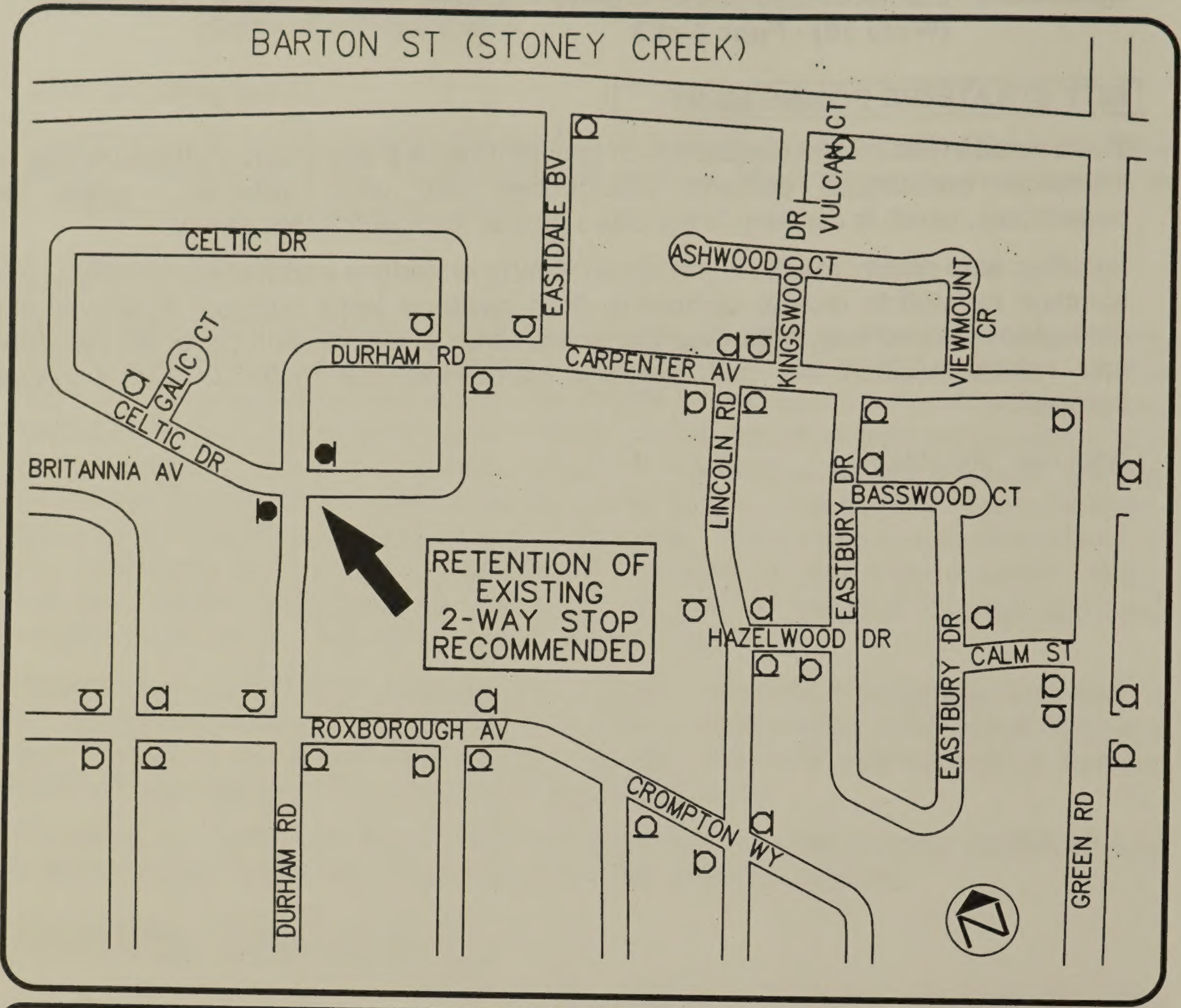
N/A

CITY STRATEGIC COMMITMENT:

The overall effect of the installation of unwarranted all-way stops is the potential for increased intersection collision occurrences with other vehicles, cyclists and pedestrians, which is contrary to the City's goal of improved public safety.

Installing stop control results in increased vehicle emissions and fuel consumption. It is common for staff to receive complaints from residents living adjacent to all-way stop controlled intersections, regarding increased noise levels caused by screeching tires and vehicle acceleration, poor stopping compliance by motorists and increased congestion.

Attached: Key Map


BARTON ST (STONEY CREEK)
CELTIC DR
GALIC CT
CELTIC DR
BRITANNIA AV
DURHAM RD
EASTDALE BV
CARPENTER AV
VULCAN CT
ASHWOOD CT
KINGSWOOD DR
VIEWMOUNT CR
LINCOLN RD
EASTBURY DR
BASSWOOD CT
HAZELWOOD DR
EASTBURY DR
CALM ST
RETENTION OF EXISTING 2-WAY STOP RECOMMENDED
ROXBOROUGH AV
CROMPTON WY
DURHAM RD
GREEN RD

KEY MAP

DURHAM ROAD AT CELTIC DRIVE
BARTON ST

LOCATION PLAN

STOP CONTROL:
NORTHBOUND
DURHAM ROAD
AT CELTIC DRIVE
CITY OF HAMILTON
TRANSPORTATION, OPERATIONS & ENVIRONMENT

LEGEND

➡ SUBJECT INTERSECTION

RECOMMENDED		EXISTING	
●	TRAFFIC SIGNAL	○	TRAFFIC SIGNAL
●	STOP SIGN	◌	STOP SIGN
▼	YIELD SIGN	▽	YIELD SIGN

SCALE
NOT TO SCALE

DATE
2002-12-19

REFERENCE FILE NO: **TOE03008**

CITY WIDE
IMPLICATIONS

14.2

CITY OF HAMILTON

TRANSPORTATION, OPERATIONS & ENVIRONMENT
Waste Management

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Scott Stewart Acting General Manager
Date:	January 8, 2003	**Prepared by:**	Emil Prpic Extension 4490 Craig Murdoch Extension 4409

SUBJECT: **Award of Contract C11-109-02**
Repair to the Kenora Waste Transfer Station
(TOE03012) - (City Wide Implications)

RECOMMENDATION:

(a) That the Acting General Manager of Transportation, Operations and Environment be authorized and directed to award the contract to the lowest acceptable bid received in accordance with the terms and specifications issued:

C11-109-02 - Repairs to the Kenora Waste Transfer Station
STF Construction Limited
$397,927.65 (includes $26,032.65 G.S.T.)
Lowest bid of two (2) acceptable bids

(b) That the cost of $397,927.65 (including $26,032.65 G.S.T.) be funded from the Self Insurance Reserve, Dept. Id. # 112100

(c) That upon completion of the Risk Management Division's investigation, the refund received from the insurance coverage of the at-fault party be deposited into the Self Insurance Reserve, Dept. Id. #112100.

(d) That the Mayor and the City Clerk be authorized and directed to execute the above-mentioned contract in a form satisfactory to the City Solicitor.

Scott

Scott Stewart, Acting General Manager
Transportation, Operations & Environment

EXECUTIVE SUMMARY:

On September 11, 2002 the Kenora Waste Transfer Station was severely damaged due to fire. The investigation into the cause of the fire is still ongoing.

At present the facility is partially operational for the acceptance of municipal waste during weekdays and is open to the public on Saturdays only. This has been made possible by opening the east side of the tipping floor as the bulk of the damage caused by the fire was contained on the west side. Additional pressures have been placed on the facility due to the closure of SWARU on December 6, 2002.

A tender for the repairs was issued on December 6, 2002, and closed on December 23, 2002. A total of three bids were received, of which 2 were acceptable.

Staff propose that the tender be awarded to STF Construction as the lowest bidder.

BACKGROUND:

The purpose of this tender is to complete the repairs to Kenora Waste Transfer Station caused by a fire on September 11, 2002, and to ensure that the transfer station becomes fully operational as soon as possible.

The cause of the fire is still under investigation by the City's Risk Management Division. When the cause and responsibility of the fire has been determined, the repairs will be covered by insurance from the at-fault party.

ANALYSIS OF ALTERNATIVES

A total of three bids were received by the Purchasing Division for the repairs to the Kenora Transfer Station. One of the bids was rejected and the remaining two were analysed for completeness and cost. STF Construction Limited was the lowest of the acceptable bids received. See attached summary for details.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

$397,927.65 (including $26,032.65 G.S.T.) to be funded from the Insurance Reserve, Dept. Id. # 112100.

POLICIES AFFECTING PROPOSAL:

The policies directly affecting waste diversion programs, including recycling, are those in the SWMMP. The maintenance and potential enhancement of the recycling program support and assist in the implementation of several of the SWMMP recommendations, including:

- contributing to the optimization of the capacity of the Glanbrook landfill by removing recyclables from the waste stream;
- contributing to the 65% diversion target by 2008; and
- supporting continuous improvement to the waste management system.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Finance & Corporate Services:

- Legal Services
- Financial Services
- Risk Management

CITY STRATEGIC COMMITMENT:

Hamilton's Mission, Vision, Values and Goals Statement

The maintenance and improvements to the City's recycling program contribute to the development and enhancement of the City's waste diversion programs which are consistent with Council's Mission, Vision, Values and Goals Statement.

Effective Solid Waste programs support the City's vision for "...a safe, healthy, sustainable community...". The diversion of waste preserves the life of the landfill sustaining capacity for the future.

Recycling programs and improvements contribute to the fulfilment of several of the goals including:

- VISION 2020 (to be addressed below);
- a healthy, safe and green City;
- reducing waste going to the landfill;
- performance measurement of waste diversion programs; and
- best practices - best value, balance service provision and programs with long term benefit of landfill life.

Sustainable Development - VISION 2020

Recycling programs and program enhancements contribute to fulfilling the goal of managing waste safely and responsibly. It is also consistent with several of the specific Strategies for a Sustainable Community for Reducing and Managing Waste, including a comprehensive waste management plan that focuses on the reduction of waste and the diversion of waste for reuse and recycling, and enhancing diversion programs and increasing participation.

Business Planning and Budget

The City Manager's report on Business Planning and Budget was approved by Committee of the Whole on June 18, 2002 and by Council on June 26, 2002.

The recommendations in this report are considered to be in alignment with Council's priority to be fiscally accountable, with the intent to provide best value for tax dollars invested. The implementation of the recommendations and the SWMMP will be monitored to evaluate the performance of the waste management system.

Schedule of Values

				STF CONST.		SUPERIOR BOILER WORKS	
1.0 Building Envelope							
Item	**Description**	**Unit**	**Quantity**	**Unit Price**	**Total**	**Unit Price**	**Total**
1.1	*Power wash exterior precast concrete wall panels of Tipping Floor and Workshop.*	1	Lump Sum (LS)	$ 1,270.00	$ 1,270.00	n/a	$ 6,930.00
1.2	*Remove and replace existing metal cladding on Tipping Floor exterior wall over Loading Dock*	1	LS	$ 2,650.00	$ 2,650.00	n/a	$ 2,750.00
1.3	*Remove and replace existing VB, gypsum board, insulation and roofing, over Tipping Floors and Workshop. Includes all flashing, parapets, cants etc.*	1	LS	$ 97,668.00	$ 97,668.00	n/a	$ 94,492.50
1.4	*Remove and replace existing precast panel joint sealant including backer rod on all Tipping Floor exterior walls*	1	LS	$ 8,692.00	$ 8,692.00	n/a	$ 5,500.00
1.5	*Provide spray foam insulation in top of precast concrete panels. Includes cost of removing and replacing wood cants etc not otherwise required to be removed.*	100	Sq.m	$ 23.64	$ 2,364.00	n/a	$ 9,935.20
Subtotal 1					**$ 112,644.00**		**$ 119,607.70**

.0 Interior Finishes

Item	Description	Unit	Quantity	Unit Price	Total	Unit Price	Total
2.1	*Clean, sand blast, prime and paint, roof deck, OWSJs, and all structural steel in Tipping Floor Area. Includes both top and bottom surfaces of steel plate located over the South Push Wall and the Truss on Gridline 1*	1	LS	$ 45,580.00	$ 45,580.00	n/a	$ 47,747.70
2.2	*Clean, sand blast, prime and paint, roof deck, OWSJs, and all structural steel damaged where heat from fire has caused paint to peel. Applies to Loading Dock, Workshop, and Compactor Areas.*	300	Sq.m	$ 41.50	$ 12,450.00	$ 92.90	$ 12,870.00
2.3	*Power wash all precast concrete, cast in place concrete and masonry walls in Tipping Floors and Loading Dock*	1	LS	$ 3,816.00	$ 3,816.00	n/a	$ 4,048.00
2.4	*Remove and dispose existing cladding and girts over Central Push Wall.*	1	LS	$ 2,120.00	$ 2,120.00	n/a	$ 6,078.00
Subtotal 2					**$ 63,966.00**		**$ 70,743.70**

Schedule of Values

3.0 Structural							
Item	**Description**	**Unit**	**Quantity**	**Unit Price**	**Total**	**Unit Price**	**Total**
3.1	*Remove and Replace existing 38x0.76mm Roof Deck.*	400	Sq.m	$ 28.50	$ 11,400.00	$ 29.57	$ 11,825.00
3.2	*Re-attach existing roof deck to OWSJ*	600	EA	$ 3.00	$ 1,800.00	$ 2.75	$ 1,650.00
3.3	*Remove and Replace existing OWSJ where noted for replacement. Includes replacing existing bridging.*	1	LS	$ 32,000.00	$ 32,000.00	n/a	$ 18,600.00
3.4	*Repair existing OWSJs where noted for repair.*	1	LS	$ 11,000.00	$ 11,000.00	n/a	$ 18,175.00
3.5	*Provide two new channel frames at new (replacement) exhaust fans.*	1	LS	$ 3,000.00	$ 3,000.00	n/a	$ 2,850.00
3.6	*Repair spalling concrete on South Push Wall.*	1	Sq.m	$ 650.00	$ 650.00	$ 3,300.00	$ 3,300.00
3.7	*Re-attach steel plate to South Push Wall.*	1	LS	$ 2,650.00	$ 2,650.00	n/a	$ 4,081.00
Subtotal 3					**$ 62,500.00**		**$ 60,481.0**

Schedule of Values

.0 Mechanical							
Item	**Description**	**Unit**	**Quantity**	**Unit Price**	**Total**	**Unit Price**	**Total**
4.1	*Remove and replace existing storm drainage system in Tipping Floors including connection to existing system in Workshop, and insulation following heat tracing.*	**1**	**LS**	$ 4,770.00	$ 4,770.00		$ 8,978.50
4.2	*Remove and replace existing exhaust fans in Tipping Floors*	**1**	**LS**	$ 9,805.00	$ 9,805.00		$ 8,355.00
4.3	*Remove existing insulation from Wet Pipe Fire Standpipe and replace following installation of new Heat Tracing.*	**1**	**LS**	Deleted			n/a
4.4	*Remove and replace existing Dry Pipe Sprinkler System in the West Tipping Floor and Loading Dock. Includes connection to Existing system on East Tipping Floor, and all flow/pressure testing.*	**1**	**LS**	$ 10,584.00	$ 10,584.00	**n/a**	$ 20,526.00
4.5	*Re-grade/slope sprinkler branches in East Tipping Floor.*	**1**	**LS**	$ 1,060.00	$ 1,060.00	n/a	$ 3,470.50
Subtotal 4					**$ 26,219.00**		**$ 41,330.00**

5.0 Electrical

Item	Description	Unit	Quantity	Unit Price	Total	Unit Price	Total
5.1	*Remove existing High Bay Lighting and install new fixtures in Tipping Floor areas. Replace wiring to West side outdoor light fixtures. Replace strobe light, clean and relamp lighting, add light switch, and install new feed in Leen-to. Clean and relamp light fixtures in pit, including replacement of receptacles, light switches, and emergency light.*	1	LS	$ 29,375.00	$ 29,375.00	n/a	$ 41,250.00
5.2	*Remove existing conduit and wiring for Roof Exhaust Fans and install new (including local disconnect switches) in Tipping Floor areas.*	1	LS	$ 1,075.00	$ 1,075.00	n/a	$ 2,420.00
5.3	*Remove existing conduit and wiring for West Tipping Floor Truck Door and install new, including new disconnect switch.*	1	LS	$ 752.00	$ 752.00	n/a	$ 2,970.00
5.4	*Replace Exit lights in Tipping Floor and Loading Dock areas. Replace door switches as noted and replace wiring between existing Security Panel and switches. Install duplex receptacles in Tipping Floor area, including replacing wire to existing outdoor receptacle on West side.*	1	LS	$ 1,758.00	$ 1,758.00	n/a	$ 3,300.00
5.5	*Replace Heat Tracing on roof drains and Fire Hose lines and replace High Bay lighting wiring in work shop area.*	1	LS	$ 2,550.00	$ 2,550.00	n/a	$ 3,520.00
Subtotal 5					**$ 35,510.00**		**$ 53,460.00**

.0 Miscellaneous							
Item	**Description**	**Unit**	**Quantity**	**Unit Price**	**Total**	**Unit Price**	**Total**
6.1	*Erect, maintain, and remove hoarding.*	1	LS	$ 562.00	$ 562.00	n/a	$ 14,550.00
6.2	*Mobilization, demobilization, supervision*	1	LS	$ 26,494.00	$ 26,494.00	n/a	$ 67,485.00
Subtotal 6					**$ 27,056.00**		**$ 82,035.00**

7.0 Allowances							
Item	**Description**	**Unit**	**Quantity**	**Unit Price**	**Total**	**Unit Price**	**Total**
7.1	*Materials Testing Allowance*	1	LS	$ 20,000.00	$ 20,000.00	$ 20,000.00	$ 20,000.00
7.2	*Independent Inspection Allowance*	1	LS	$ 12,000.00	$ 12,000.00	$ 12,000.00	$ 12,000.00
7.3	*Permanent Interior Signage*	1	LS	$ 2,000.00	$ 2,000.00	$ 2,000.00	$ 2,000.00
4	*Rental of existing shoring. City will pay for rental of shoring for up to 2 months from the later of: signing of Contract; or, receipt of building permit.*	2	Months	$ 5,000.00	$ 10,000.00	$ 5,000.00	$ 10,000.00
Subtotal 7					**$ 44,000.00**		**$ 44,000.00**

Subtotal of all Sections	**$ 371,895.00**	**$ 471,657.40**
GST	**$ 26,032.65**	**$ 33,016.02**
Total	$ 397,927.65	$ 504,673.42

END OF SECTION

C11-109-02
Repairs to the Kenora Waste Transfer Station

			STF CONST.	SUPERIOR BOILER WORKS
	TOTAL CONTRACT PRICE		$ 371,895.00	$ 471,657.40
8	**Separate Prices**			
	Cash Allowances		$ 44,000.00	$ 44,000.00
Architectural:				
A1	Remove and replace damaged man doors and frames with new galvanized insulated hollow metal doors (and glazing to match existing) and frames, c/w panic hardware and locksets. Price includes caulking and painting etc.			
	a. Mandoor in North wall of East Tipping Floor		$ 1,877.00	$ 2,945.00
	b. Mandoor at South of Office Area		$ 1,877.00	$ 2,945.00
	c. Mandoor in North wall of Loading Dock		$ 1,877.00	$ 2,945.00
A2	Repair all damaged Rolling Door stops in Tipping Floor. Price includes all labour and material.		$ 1,000.00	$ 2,912.00
A3	Remove and replace two broken bollards. Price includes painting.		$ 2,090.00	$ 2,836.00
Structural:				
S1	Remove and replace dislodged section of Central Push Wall		$ 1,395.00	$ 9,350.00
Electrical:				
E1	Supply and install one new High Bay Light fixture and replacement of one reflector in Workshop Area.		$ 270.00	$ 564.52
E2	Supply and install Emergency Lighting at Exit Doors in Tipping Floor and Loading Dock.		$ 870.00	$ 2,850.00
Mechanical:				
M1	Remove obsolete hydronic heating piping and cap off in Mechanical Room		$ 2,800.00	$ 3,605.00
10	**Schedule of Unit Prices for Changes**			
Item of Work		**Unit of Measure**	**Extra/Credit**	**Extra/Credit**
	1) Steel Deck: Supply and install 38x0.76mm galvanized roof deck, including removal and disposal of existing roof deck, attachment to structural steel and provision of openings.	Square metre	$ 28.00	$ 29.50
	a) Unit price based on quantity stated in bid documents (□20%)	Square metre	$ 28.00	$ 29.50

	b) Unit price if actual quantity exceeds 120% of quantity stated in the bid documents (cost applies to Units over and above 120%	Square metre	$ 30.00	$ 29.50
	c) Unit Cost if actual quantity is less than 80% of quantity stated in the bid documents (cost applies to Units under 80% only)	Square metre	$ 20.00	$ 29.50
	d) Reattach existing roof deck to support steel using 20mm dia puddle welds. Unit price to apply regardless of quantity	Each	$ 10.00	$ 3.00
	2) Paint Roof Deck/Joists in Workshop and Compactor Area and Loading Dock: Power wash, sand blast, prime and paint, underside of roof deck, and surrounding structural steel	Square metre	$ 44.00	$ 42.90
	a) Unit price based on quantity stated in bid documents (+- 20%)	Square metre	$ 44.00	$ 42.90
	b) Unit price if actual quantity exceeds 120% of quantity stated in the bid documents (cost applies to Units over and above 120% only)	Square metre	$ 48.00	$ 42.90
	c) Unit Cost if actual quantity is less than 80% of quantity stated in the bid documents (cost applies to Units under 80% only)	Square metre	$ 40.00	$ 42.90
	3) Concrete Repairs: Remove existing concrete cover and spalling/delamiated concrete and replace with new repair mortar. Unit price to apply regardless of Quantity.	Square metre	$ 600.00	$ 3,300.00
	4) Spray Foam Insulation: Apply new spray foam insulation to voids of precast wall panels. Unit Price to apply regardless of Quantity	Square metre	$ 200.00	$ 99.35
11	**Hourly Rates**			
	Superintendent / Hr.	Hourly rate	$ 45.00	$ 75.00
	Labourer / Hr.	Hourly rate	$ 35.00	$ 55.00
	Journeyman Mechanical Tradesman/Hr	Hourly rate	$ 65.00	$ 65.00
	Journeyman Electrical Tradesman/Hr	Hourly rate	$ 65.00	$ 49.50
13	**Contract Schedule—Time for Completion:**			

C11-109-02
Repairs to the Kenora Waste Transfer Station

	Number of Working Days Before Commencement of Work		5	15
	Number of Working Days for Completion of Project		55	55

AFFECTS WARD 5

CITY OF HAMILTON

14.3

TRANSPORTATION, OPERATIONS & ENVIRONMENT
Roads & Traffic

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Scott Stewart Acting General Manager
Date:	December 24, 2002	**Prepared by:**	David Wong Extension 5661

SUBJECT: Lake Avenue and Queenston Road Eastbound Advance Green Signal Review (TOE03010) - (Ward 5)

RECOMMENDATION:

That the current signal timing at the intersection of Lake Avenue and Queenston Road be retained without the installation of an eastbound advance green.

Scott

Scott Stewart, Acting General Manager
Transportation, Operations & Environment

EXECUTIVE SUMMARY:

Through the Ward 5 Councillor's office, staff have received a request to review the need for an eastbound left turn advance green signal at the intersection of Lake Avenue and Queenston Road.

Based on field observations, the delay experienced by eastbound left turn traffic during the peak hour is well below the amount that would warrant the installation of an advance green signal. Further, the installation of an advance green signal could encourage additional traffic to travel northbound on Lake Avenue which may not be acceptable to residents on Lake Avenue.

Staff recommend that the current signal timing be retained at Queenston Road and Lake Avenue without the implementation of an eastbound advance green.

BACKGROUND:

Through the Ward 5 Councillor's office, staff were requested to review the need for an eastbound left turn advance green signal for the intersection of Lake Avenue and Queenston Road. Currently the signal operates with a southbound left turn advance green on Thursday and Friday from 6:30 p.m. until 10:00 p.m. and on Saturday from 9:00 a.m. until 6:30 p.m.

Based on existing traffic counts it was found that the afternoon peak hour contained the highest volume of eastbound left turn vehicles. A one-hour left turn delay study was conducted during this peak hour period and the results applied to advance green warrant criteria. According to the Manual of Uniform Traffic Control Devices for Canada (MUTCD), the observed delay experienced by eastbound left turn traffic during the afternoon peak hour is well below the amount that would warrant the installation of an advance green signal. It was found that the use of an eastbound left turn advance green signal would reduce the delay to eastbound left turn vehicles; however, the net effect of the advance green would be an overall increase in delay for users of this intersection. The cause of this overall increase in delay is due to the need to take green time away from directions containing large volumes of traffic and giving it to an advance green signal which is used by a relatively small number of vehicles.

Due to the overall increase in delay at the intersection, installing an eastbound left turn advance green signal would increase fuel consumption and airborne pollutants. This will not be in keeping with City strategic commitments that attempt to reduce fossil fuel consumption and exhaust emissions.

In the past five years, although there have been other reported vehicle collisions at this intersection; however, none of them involved eastbound left turning vehicles. This suggests that eastbound left turns can be made in a safe manner.

In the past, Lake Avenue residents raised concerns regarding truck traffic, vehicle speeding and vehicles disobeying the stop signs on Lake Street at Huckleberry Drive and at Delawana Drive. The installation of an advance green signal could encourage additional traffic to travel northbound on Lake Avenue. It may be desirable to discuss this possible effect with neighbourhood representatives before an advance green is considered. However, staff did not have an opportunity to pursue further.

At this time, staff recommend that the current signal timing be retained at Queenston Road and Lake Avenue without the implementation of an eastbound advance green.

ANALYSIS OF ALTERNATIVES:

An eastbound advance green would increase overall vehicle delay at the intersection and have adverse environmental impacts. The alternative to implementing the eastbound advance green is to make no changes. Currently, the eastbound left turns can be made in a safe manner. The signal is able to serve the needs of all traffic without causing undue to delay.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Due to the limitation of the existing signal controller at the intersection, the estimated total cost for installing a left turn advance green signal including a vehicle detection loop and a controller replacement is $15,000. No staffing implications are noted.

The intersection is operating appropriately with no legal implications anticipated.

POLICIES AFFECTING PROPOSAL:

The recommendation is not affected by any policies.

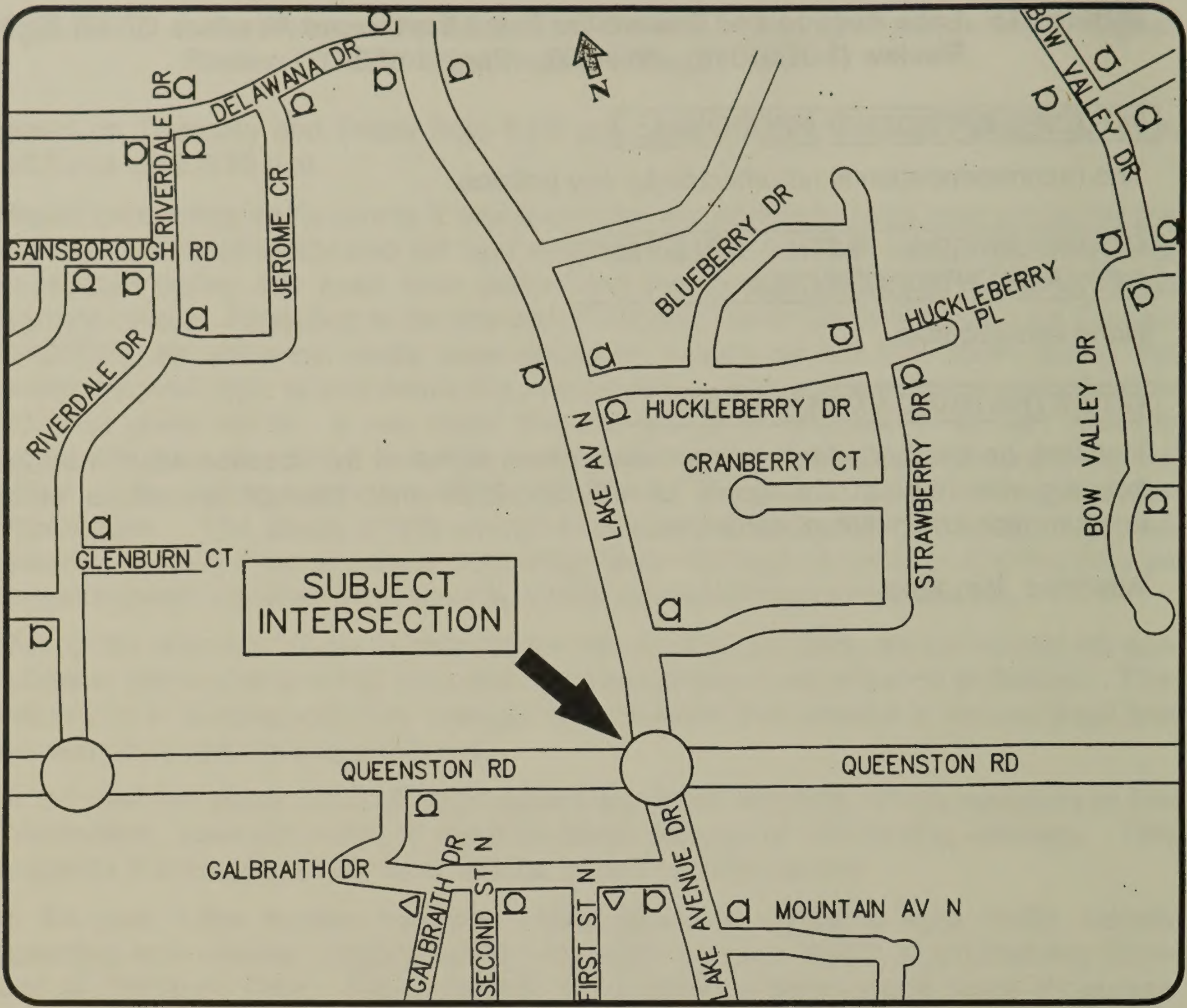
CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

None was required.

CITY STRATEGIC COMMITMENT:

Installing an eastbound left turn advance green signal at this location would not be in keeping with two of the goals of VISION 2020 that attempt to reduce energy consumption and pollutant emissions.

Attached: Key Map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DELAWANA DR
RIVERDALE DR
JEROME CR
GAINSBOROUGH RD
RIVERDALE DR
GLENBURN CT
SUBJECT INTERSECTION
BOW VALLEY DR
BLUEBERRY DR
HUCKLEBERRY PL
HUCKLEBERRY DR
CRANBERRY CT
STRAWBERRY DR
BOW VALLEY DR
LAKE AV N
QUEENSTON RD
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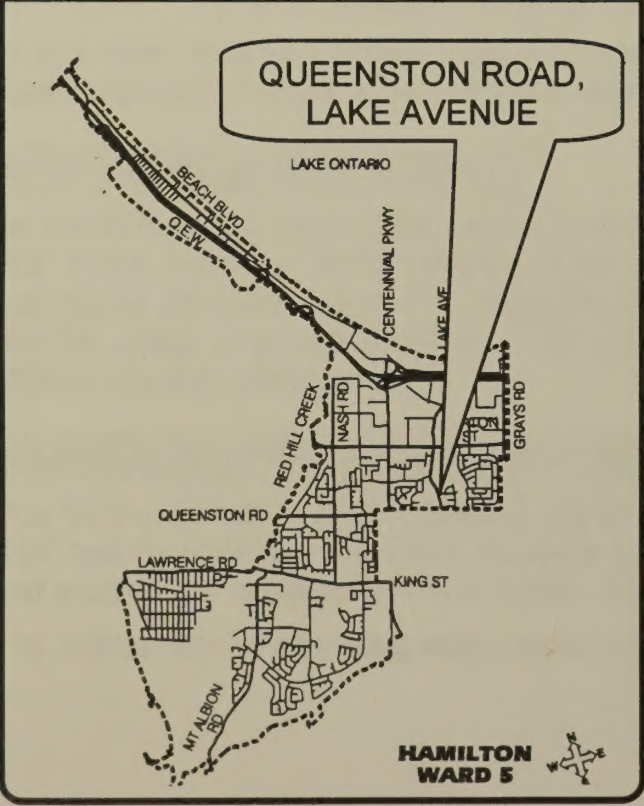
SECOND ST N
FIRST ST N
LAKE AVENUE DR
MOUNTAIN AV N
LAKE

KEY MAP


QUEENSTON ROAD, LAKE AVENUE
LAKE ONTARIO
BEACH BLVD
Q.E.W.
CENTENNIAL PKWY
LAKE AVE
NASH RD
RED HILL CREEK
GRAYS RD
QUEENSTON RD
LAWRENCE RD
KING ST
MT ALBION RD
HAMILTON WARD 5

LOCATION PLAN

REQUEST FOR:
EASTBOUND LEFT TURN
ADVANCED GREEN SIGNAL
LAKE AVENUE AND
QUEENSTON ROAD
CITY OF HAMILTON
TRANSPORTATION, OPERATIONS & ENVIRONMENT

LEGEND

➡ SUBJECT INTERSECTION

RECOMMENDED	EXISTING
● TRAFFIC SIGNAL	○ TRAFFIC SIGNAL
● STOP SIGN	◌ STOP SIGN
▼ YIELD SIGN	▽ YIELD SIGN

SCALE	DATE
NOT TO SCALE	2002-12-24

REFERENCE FILE NO: **TOE03010**

SECTION 15

SECTION 16

SECTION 17

SECTION 18

SECTION 19

19.1

MOTION

Council Date: January 21, 2003

MOVED BY COUNCILLOR DIIANNI..

SECONDED BY COUNCILLOR...

Whereas the office of the Information and Privacy Commissioner of Ontario has issued a final Privacy Complaint Report (File MC 020017-1) relating to the collection of personal information of tenants of licensed Residential Care Facilities.

Whereas the Commissioner's report has concluded the following:

- the information reviewed and collected by City inspectors IS the personal information of the tenants and other individuals
- the collection of tenants' personal information was in compliance with the Act, as was the city's manner of collection BUT
- Notice of the collection was NOT provided in accordance with the Act

Therefore be it resolved that:

a) The City take specific steps to comply with all aspects of the act

b) The City make available to tenants in a reasonable time frame, the nature of the information collected, the reasons for collecting it and what the city is doing with the information.

c) The City review the types of information it intends to collect to ensure that all the information listed in the bylaw is necessary to the city's oversight mandate.

d) That staff prepare a report on the above and bring it back to COW within the next 60 days.

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